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JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE  
HERBERT B. ADAMS, Editor

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History is past Politics and Politics are present History.—*Freeman*

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VOLUME XVII

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History of State Banking

IN

Maryland



SERIES XVII

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JOHNS HOPKINS UNIVERSITY STUDIES  
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HISTORICAL AND POLITICAL SCIENCE  
HERBERT B. ADAMS, Editor

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HISTORY OF STATE BANKING

IN

MARYLAND

BY

ALFRED COOKMAN BRYAN, PH.D.

Instructor Washington High School

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THE JOHNS HOPKINS PRESS, BALTIMORE

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## PREFACE.

Banking under State charters, the system under which all the banks of the United States, except the two national banks, were organized from the adoption of the Constitution down to 1863, a period of over eighty years, has received very little scientific investigation. The scattered character of the material has been one of the chief obstacles to a detailed inquiry into this large division of our banking history. Local studies in the various States must necessarily precede the comprehensive treatment of the whole subject. The advantages to be gained from the study of our banking experience cannot be doubted, and especially at the present time are its lessons important, when we are in the midst of discussion of reforms in banking and currency, and the necessity of a change in our present system is within plain view.

Moreover, as a portion of local history, the subject has a decided interest. The development of banking facilities and the industrial progress of the State have been very closely connected.

Nothing whatever has been written upon State banking in Maryland. Scant materials have rendered necessary the omission entirely of some subjects which should have found place, and the limited treatment of others. The more important sources for the present narrative are the Maryland Laws, Maryland Public Documents, Reports of the State Treasurer, and of the Comptroller of the Treasury of Maryland, and Niles's Register. The bank reports made to the State Treasurer before 1828 were not published, and the statistical material for this period is quite unsatisfactory. From 1828 to 1863 the reports were generally published, and are available in the Maryland Public Documents. The orig-

inal reports were destroyed "with all the other rubbish," as a State officer informed me. Newspaper and magazine files have been constantly consulted.

Acknowledgment must be made of the courtesy of the Maryland Historical Society, the use of whose library gave to the writer access to many pamphlets and papers not elsewhere obtainable. Acknowledgment must also be made to many bankers for information and suggestions concerning matters within their experience.

A. C. B.



# History of State Banking in Maryland, 1790-1864.

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## CHAPTER I.

### THE BEGINNING OF BANKING IN MARYLAND, 1790-1810.

#### 1. *Introduction.*

In the following narrative we shall study the system of banking which existed in Maryland prior to the passage of the National Bank Act in 1863. The organization and line of development will be studied chiefly as they are reflected in the legislative regulations upon banking by the General Assembly of the State. Our history will be, however, more than a bare legislative history, for political, economic and industrial conditions will be constantly examined to afford the reason for legislative action, and also the close relationship between development in banking and industrial advancement will be constantly kept in view.

The limits of our territory shall be observed, so far as the nature of the subject will permit. If the present paper were the place for it, material for a broad comparative study is not available. The period covered extends from the first grant of a charter for banking purposes, in 1790, to 1864, at which date State banking was almost entirely superseded by the establishment of a national banking system, in consequence of which nearly all the old banks reorganized as national banks, and the old system received little further development.

The term "State banking" is used in the sense common in the United States as applicable to banks operating under State charters, as opposed to government or national banks. The study will be confined to "banks" in the ordinary sense, i. e., to those having the three functions of discount, deposit and issue. "Banks" in the early sense, implying simply the power of issue, under which class would fall land and other private banks, and also early government banks, will not be considered. Savings banks are also omitted from treatment, except in so far as they possessed the three functions named.

The year 1810 presents itself as a natural point of division. The period before this is concerned with the introduction of banks into Maryland, the economic conditions giving rise to their organization, and the source of Maryland banking ideas. The disappearance of the first Bank of the United States marks a period in the banking history of the country. Particular results of it in Maryland were the broad extension of banking facilities to the counties, in contrast to their previous confinement to Baltimore and Annapolis, and at the same time there occurred a decided change in the character of banking in the State, a period of experimentation follows, due to the withdrawal of the controlling influence of the United States Bank.

## *2. Economic Condition of Maryland.*

Banks in the modern sense, exercising functions of discount, deposit and issue, cannot be said to have existed in America until the last quarter of the eighteenth century. Their establishment was called for by the economic needs of the country. It is generally true that in a new and developing country profitable employment can be found for all obtainable capital. In addition to this, the English colonies were just emerging from a long period of war, in which their resources had been greatly exhausted. The revival of industry from the interruption of the war was quick and energetic, and capital was in demand for productive purposes.

The value of banks in collecting free capital, in aiding the anticipation of funds, in increasing the medium of trade, was clearly seen.<sup>1</sup>

The condition of the circulating medium was also a source of inconvenience and confusion. Prolonged scarcity of money sooner or later drove all the colonies to paper issues. A proper limit was seldom observed, consequently depreciation resulted, and fresh issues became in the hands of a speculating and debtor class a means of release from their obligations.

Maryland first issued paper money in 1733. Thereafter almost any object, war, State loans, roads, bridges, State buildings or what not, became a sufficient excuse for a new issue. The intervals between emissions varied from one to six years, and the amounts ranged from \$150,000 to \$1,500,000. After a term of years, usually about twelve, the notes were to be redeemed, but redemption was commonly made in new notes at fixed rates. The depreciation was usually about six or seven to one of specie.

During the Revolutionary War this paper currency reached its floodtide. The Continental Congress issued at least \$200,000,000, which distributed itself throughout the States.<sup>2</sup> It did not, however, supersede State money in Maryland; both were made legal tender in 1777. The war expenses necessitated increased State issues to aid the State treasury. In 1777 Maryland issued \$1,300,000; in 1780 another million followed, and in 1781, a third. The whole mass depreciated greatly, and continental bills became worthless. Maryland currency at this time was composed of various issues, known as continental bills, convention bills, provincial bills, State continental bills, State money, black money and red money. Such a quantity of paper in circulation was naturally calculated to drive out the specie, although in 1781 the considerable sum of £100,000 was esti-

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<sup>1</sup> See pp. 17 and 21.

<sup>2</sup> Thomas Jefferson's estimate. Cf. H. Phillips, *Amer. Paper Currency*, 2d series, p. 199.



mated to be still in the State, although it became more and more hoarded.<sup>1</sup> It is difficult at this time to imagine the confusion inevitably resulting from such a mixture of paper and metal money.

To relieve this condition of the circulating medium, and to assist in the industrial revival which was occurring immediately after the war, fresh paper issues, superseding the old ones, and with better provision against depreciation, were believed to be the remedy. Bills for new emissions were urged at every session of the Assembly, but unsuccessfully. The sound industrial classes preferred existing conditions to the probable perversion of the remedy by demagogues and speculators, and the virtual destruction of the effects of all money contracts.<sup>2</sup> The numerous special bills for the relief of debtors at this time indicate also the class which was most clamorous for State issues.

The industrial development of Maryland after the war was something phenomenal. In 1790 her total population was 320,000, distributed over eighteen counties, 9000 square miles in area. Baltimore numbered 13,500 people; Annapolis was the second city in importance. The population of the country districts was located chiefly along the river courses, and grain and tobacco culture were the most important pursuits. A keen rivalry for industrial supremacy existed between Maryland and her sister States. By 1794 she had become the second State in the Union in respect to her export trade. Baltimore became transformed from a large town to the first port of the United States for grain, grain

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<sup>1</sup> The coins were various and circulated according to weight: johannes, half-johannes, moidores, English guineas, French guineas, doubloons, Spanish pistoles, French milled pistoles, Arabian chequins, English milled crowns, other English milled silver, French silver crowns, Spanish milled pieces of eight, and other Spanish, French, German and Portuguese gold and silver coins. (Scharf, *History of Maryland*, Vol. II, p. 478.)

<sup>2</sup> Cf. Scharf, *Western Maryland*, p. 538.

products and tobacco.<sup>1</sup> The continental wars created an unusual demand for American breadstuffs, and likewise a large part of the European carrying trade devolved upon American boats. In this traffic Baltimore became a center, and the Baltimore "Clipper," through its superior sailing qualities, became the chief instrument.<sup>2</sup>

Baltimore was the natural entrepôt for the large extent of country embracing Maryland, Delaware, Western Pennsylvania, Southwestern New York, the Ohio region and parts of Virginia. To maintain this trade against her rivals, New York, Philadelphia and Alexandria, communication had to be made as easy and inexpensive as possible. This necessitated the improvement and extension of roads and the building of bridges. Each session of the Assembly was besieged with petitions for internal improvements of one sort or another, having for their object the development of the counties and the advancement of agricultural interests. In 1785, for example, there were thirteen State roads proposed, aggregating 504 miles, the estimated cost of which was £20,800. The activity along all lines of industry was intense, and the available resources of the State were being strenuously developed. It was at this time that the beneficial influence of banks in other places was brought prominently to the public attention, and this method was adopted to assist in Maryland's advancement.

### 3. *Source of Maryland Banking Ideas.*

The idea of great national banks was a familiar one throughout the last century. The banks of Venice, Amster-

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<sup>1</sup> Table showing growth of Maryland's export trade :

1791,	\$2,239,691 . . . . .	1795,	\$5,811,380
1799,	16,299,609 . . . . .	1800,	12,264,331
1803,	5,078,062 . . . . .	1805,	10,859,480
1807,	14,298,984 . . . . .	1810,	6,489,018

Pitkin's Statistical View.

<sup>2</sup> Maryland Tonnage (Pitkin) :

1793,	\$27,300 . . . . .	1794,	\$53,000
1795,	66,000 . . . . .	1797,	80,100
1799,	109,600 . . . . .	1800,	112,400

dam, of France, England, Ireland and Scotland were the chief representatives of this class, and they had acquired world-wide fame. This same idea of a great national bank for each State, whether established to assist the government directly or simply for general economic purposes, was adopted in America, and the Bank of North America was chartered by the Continental Congress in 1781 to help it in its financial difficulties. Alexander Hamilton considered that it had forfeited its place by accepting a charter from the State of Pennsylvania, and accordingly he proposed in its stead the first Bank of the United States.<sup>1</sup> After sovereignty and independence had been won, it was natural that the individual States should proceed along the same line, and accordingly single State banks were established, chiefly for general economic reasons, in Massachusetts (1784), New York (1784), and Maryland (1790).

The Scotch banking system, through the writings of Adam Smith, Sir James Steuart and Montefiore, exercised more influence than any other system upon the form and character of organization of early Maryland banks. The favorable criticisms by Smith,<sup>2</sup> Steuart<sup>3</sup> and Montefiore<sup>4</sup> upon the Scotch system did much to alleviate the prejudice against banks, and they acquainted the people generally with the leading features of a successful system. When banks began to be earnestly discussed in Maryland about 1790, the Scotch system received the greatest amount of attention, owing, no doubt, to greater familiarity with it through the economists just mentioned.<sup>5</sup>

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<sup>1</sup> Hamilton's report on a National Bank, Dec. 13, 1790.

<sup>2</sup> *Wealth of Nations*, Vol. I, pp. 296 ff. (Bohn ed.)

<sup>3</sup> *Pol. Econ.*, Vol. II, Bk. XIV, ch. 3.

<sup>4</sup> *Commercial Dictionary*, Vol. I, p. 235-6.

<sup>5</sup> The following passages, previously referred to were frequently quoted (cf. *Md. Journal and Baltimore Advertiser*, Dec. 7 and 17, 1784; *Observations on an act to establish a Bank, Annap.*, 1805): "In countries where trade and industry are in their infancy, credit must be little known, and they who have solid property find the greatest difficulty in turning it into money, without which indus-



Following are some of the more important points of similarity to the Scotch system which were adopted in Maryland: Most of the early Scotch banks were originally private copartnerships; this system was usually followed in Maryland until 1817, when it was prohibited by law in order to prevent the increase of banking companies.<sup>1</sup>

The large extension of branch banking is a distinctive feature of the Scotch system. This principle was introduced into Maryland in 1804, but it has received comparatively little development. No bank in Maryland has had more than two branches performing a regular banking business, and but a limited number have had branches at all; these were organized early. Several attempts at a broad extension of the system were not carried through.<sup>2</sup> Perhaps on this account outlying agricultural districts were developed

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try cannot be carried on, and consequently the whole plan of improvement is disappointed. Under such circumstances it is proper to establish a bank upon the principles of private credit; this bank must issue upon land and other securities. Of this nature are the banks of Scotland; to them the improvement of that country is entirely owing—although I have represented this species of banks, which I call Banks of Circulation upon Mortgage, as peculiarly adapted to countries where industry and trade are in their infancy, their usefulness to all nations who have upon an average a favourable balance upon their trade, will sufficiently appear on examination of the principles upon which they are established.” (Steuart.)

“I have heard it asserted that the trade of the city of Glasgow doubled in about fifteen years after the first creation of Banks there; and that the trade of Scotland has more than quadrupled since the first creation of the two public banks of Edinburgh, the Bank of Scotland (1695), and the Royal Bank (1727). Whether the trade, either of Scotland in general, or of the city of Glasgow in particular, has really increased in so great a proportion during so short a period, I do not pretend to know. If either of them has increased in this proportion, it seems to be an effect too great to be accounted for by the sole operation of this cause. That the trade and industry of Scotland, however, have increased very considerably during this period, and that the banks have contributed a good deal to this increase, cannot be doubted.” (Smith.)

<sup>1</sup> Md. Laws, 1817, ch. 156.    <sup>2</sup> Cf. pp. 83 and 85.

more slowly than they might have been under a system of branch banking. The expense of operation of independent banks is greater than of branch banks, and at the same time the funds are managed less effectively and the competition is greater. The period of disaster to country banks following the suspension of 1812 would probably have been avoided under a system of branch banking.

Large capitals were a feature of early Maryland banks, as of the Scotch banks. The Bank of Maryland had \$300,000 paid-up capital; the Bank of Baltimore wished to be allowed \$9,000,000, but was limited to \$1,200,000; \$1,200,000 was the capital of the Farmers' Bank of Maryland, and \$3,000,000 that of the Union Bank of Maryland.

The payment of interest on deposits was begun by the Farmers' Bank of Maryland in 1804, for the first time in the United States. This plan later became general. The peculiarly Scotch feature of cash credits was also introduced by this bank. In each case the issue of notes was free and based upon general credit, as opposed to specific funds. The maximum rate of discount was fixed in Maryland; in Scotland, the minimum rate. Maryland banks generally could loan upon real estate. In their relations with each other the banks were prompt and exacting; there were regular and frequent exchanges; in fact, daily exchanges became the practice in Baltimore very early.<sup>1</sup> In the general attitude of the State toward the banks there was another similarity. The charter regulations were by no means of a strict nature in either case; the public was virtually dependent upon the will of the officers for proper banking facilities and good administration.

The influence of the Bank of the United States, established in 1791, was not great; some principles of minor importance, which will be noticed hereafter,<sup>2</sup> may perhaps have been adopted in Maryland from its example.

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<sup>1</sup> Bank of Md. Conspiracy, T. Ellicott, p. 3.

<sup>2</sup> See p. 26.

#### 4. *Early Banks.*

The economic condition of Maryland during the last quarter of the eighteenth century has been briefly described above. It will suffice here merely to recall the remarkable industrial development through which the State was passing. At the same time the specie in circulation was limited in amount and heterogeneous in character and fluctuating in value. The State bills of credit, of which there had been such a flood during the war, were gradually passing out of circulation, and the Legislature persistently refused new issues. The circulating medium was becoming more and more contracted. An adequate metallic currency was too expensive. Under these conditions the demand for State bills of credit began to change to one for a bank.

The first attempt to incorporate a bank in Maryland occurred in 1782, when James McHenry, Esq., introduced into the Senate "an act to establish the credit of a bank" in Baltimore. The bill was considered and passed the Senate; the House of Delegates, however, rejected it.<sup>1</sup> Nothing further can be learned about it.

In 1784 the agitation was again revived. The following advertisement appeared in the Baltimore papers:<sup>2</sup> "Such of the Inhabitants as are desirous of promoting the establishment of a Bank in the Town of Baltimore are requested to meet \* \* \* , when proposals for carrying into immediate effect an institution so essentially necessary to the commercial interests, not only of the town, but of the State also, will be laid before them." The townspeople entered heartily into the scheme; proposals for the bank were immediately published and subscriptions solicited.<sup>3</sup> The proposals explain in the following words the advantages that were expected to be derived from a bank: "The experience of wise commercial nations has fully evinced the utility of well-regulated Banks. The advantages resulting from the Bank of

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<sup>1</sup> *Journal of Senate*, Nov. Sess., 1781, pp. 20, 28 and 31.

<sup>2</sup> *Md. Journal and Balto. Advertiser*, Nov. 9, 1784.

<sup>3</sup> *Md. Journal and Balto. Advertiser*, Nov. 19, 1784.

North America, in Philadelphia, have already been manifest, and point out to this State the evident necessity of an institution which naturally increases the medium of trade, promotes punctuality in the performance of contracts, facilitates the payment of public dues, furnishes a safe deposit for cash, aids the anticipation of funds on paying common interest, advances the value of country produce and facilitates the negotiations of the foreigner, while it promises an advantage to the Stockholder."

The bank was to be styled the "Bank of Maryland," and the capital stock proposed was \$300,000, in shares of \$400, payable in gold or silver. Other sections of the articles of association relate to the subscription and payment of shares, the general powers and salaries of directors, and penalty for fraud.<sup>1</sup> The election of directors might be made after 150 shares had been subscribed. In case the State by law made the bank notes receivable in payment of taxes and other public dues, the Legislature was to have the right to examine the affairs of the bank and to have access to its books and papers. Within ten days 150 shares had been subscribed, so that they were able to proceed to the election of directors.

A lively discussion was carried on between the friends and opponents of the bank until the matter was finally decided by the Legislature. The merchants of Baltimore favored it. The agricultural and speculative elements opposed it; the former, because the short time of loans practically excluded them from borrowing, the rates of discount would be high. They also argued that it would draw capital from the country to the city, and thus check improvement and agriculture. The latter, the speculative class, preferred State issues.<sup>2</sup> It was objected also that it would aid only a few. The 300 shares which were subscribed were distributed among but seventeen persons.

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<sup>1</sup> These provisions recur in the charter of the Bank of Maryland; see p. 29.

<sup>2</sup> *Md. Journal and Balto. Advertiser*, Dec. 7 and 17, 1784.



A petition for a charter was presented to the Senate at the November session, 1784. A committee of the House of Delegates reported favorably upon it, and a bill was brought in to charter a bank, but it was finally laid over until the next session of the Assembly, and was not called up again.

For six years no further attempt was made to start a bank in Maryland. 1789 and the early part of 1790 formed a period of considerable depression in the State. A revival, however, began in the spring of 1790, when the extraordinary demand in Europe for food products, resulting from the breaking out of the French Revolution, began to be felt in America. Baltimore, the first grain and flouring port of America, received great stimulus from the rapid rise in the price of wheat, and all branches of industry were greatly quickened.

Credit facilities at this time were very meagre. An advance could usually be obtained upon tobacco after it had been placed in the warehouses which were regulated by the State. The State inspectors issued warehouse receipts stating the quantity and quality of tobacco in custody; these inspectors' bills could always be exchanged for good bills in London, and they furnished the medium for the large commercial transactions. This means of anticipating the return from crops was, however, limited, since the State undertook the inspection of tobacco only, and not of wheat and flour also, which at this time exceeded the former in amount.

As a result of these conditions an application was made by sundry citizens to the November session of the Assembly for a charter for a bank to be called the "Bank of Maryland." In this case the petitioners did not organize a partnership under articles of association before applying for a charter. Perhaps this may have been due to a desire to prevent public discussion of the project by enemies of banks who had been so effective in preventing the passage of the charter in 1784. Very slight notice of the bank appears in the papers before it had received a charter.

The assistance of industry and commerce was stated to be

the motive in establishing a bank. The bill had little difficulty in passing; the final vote in the House of Delegates was fifty-one affirmative to seven negative.<sup>1</sup> The capital stock was fixed at \$300,000. Subscriptions were opened in Baltimore, December 10, 1790, and within fourteen days \$200,000 was subscribed,<sup>2</sup> the amount necessary to be subscribed before the election of directors might occur. During the ensuing year this amount was paid in, and the bank began operations. The remainder of the capital stock was called in within the following four years. Subscriptions were paid in foreign gold coins at 6s. or 6s. 8d. the pwt., depending upon the fineness.<sup>3</sup> Few of the notes of the Bank of North America at Philadelphia, and none of those of the banks of New York and Massachusetts had reached Baltimore at this time.

An addition to Baltimore's banking capital occurred in 1792, when the Bank of the United States established a branch at that place which usually operated a capital of about \$500,000.

In 1793 the Maryland Legislature granted a charter<sup>4</sup> to the Bank of Columbia, which was to be located in the District of Columbia. The avowed object of the formation of the bank was to assist in the preparation of the District for occupancy by the National Government. The nominal capital was \$1,000,000. It immediately passed from the jurisdiction of Maryland.

During the years 1790 to 1800 the Bank of Maryland was able to declare annual dividends of 12 per cent. Its capital was far below what it might with ease have employed. In 1795 an unsuccessful attempt was made to double this capital.<sup>5</sup> As a substitute it was proposed to establish another

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<sup>1</sup> *Journal of House of Delegates*, 1790, p. 34. Md. Laws, 1790, ch. 5.

<sup>2</sup> Griffith, *Annals of Baltimore*, p. 128.

<sup>3</sup> *Md. Journal and Balto. Advertiser*, April 5, 1791.

<sup>4</sup> Md. Laws, 1793, ch. 30.

<sup>5</sup> Griffith, *Annals of Baltimore*, p. 128. Brief exposition of the leading principles of a bank.

bank, which might consolidate with the Bank of Maryland, upon the consent of both parties. This clause was stricken out and an entirely separate institution received a charter in 1795 as the Bank of Baltimore,<sup>1</sup> although the Bank of Maryland became a subscriber to its stock.

The petition for a charter, signed by sixteen parties and submitted to the Legislature, declares that the Baltimore banks from the inadequacy of their capital to the trade of the country, do not come up to the end for which they were instituted, and it states further that the stimulation of industry, the extension of commerce, a more favorable balance of trade, a lower interest rate, the collection of capital, are advantages invariably following from the establishment of banks.<sup>2</sup>

The capital of the bank was fixed by the Legislature at \$1,200,000, though the petitioners wanted the limit placed at \$3,000,000, with provision for increasing it ultimately to \$9,000,000, as the growing character of Baltimore trade demanded more banking accommodations.

The two banks had an aggregate capital of \$1,500,000, to which there were added by the United States branch bank at Baltimore about \$500,000. This amount could be very actively employed in a town whose export trade alone was of an annual value of more than \$9,000,000, and which was rapidly growing, to say nothing of other commercial and industrial operations. Manufacturing was at this time advancing apace. A climax was reached at the end of the eighteenth century. Maryland's total exports for 1799 were \$16,300,000. After this time there was a decrease, due chiefly to the narrowing of the market for American breadstuffs by the restoration of peace in Europe in 1802, and also to the competition of Philadelphia and New York for Baltimore's trade. By 1803 the lowest point had been reached; exports had fallen to \$5,100,000; there was a general stagna-

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<sup>1</sup> Md. Laws, 1795, ch. 27.

<sup>2</sup> A brief exposition of the leading principles of a bank, etc.

tion. The relapse was in large measure charged to Baltimore's lack of banking facilities in comparison with her sister cities.<sup>1</sup> It was estimated that \$120,000 of good paper was weekly rejected by the Baltimore banks. The parties seeking accommodation were compelled to patronize brokers who charged them excessive rates. Trade was thus driven away.<sup>2</sup> The rivalry with Philadelphia and Alexandria, Va., was very keen. Pennsylvania at this time had six banks, four of which were in Philadelphia, whose total capital was \$10,000,000; the banking capital of New York was \$6,500,000, operated by seven banks; yet the trade of these places was normally about the same as Baltimore's. Within ten years the circulating medium of Virginia, Pennsylvania and New York had increased about 50 per cent., it was estimated, whereas in Maryland it had remained almost stationary.<sup>3</sup> Baltimore saw Philadelphia drawing part of her Western and Northern trade. A considerable amount of her Eastern Shore products were going to Alexandria.

To assist Baltimore from the depression, and to render her more nearly equal to her rivals in banking capital, the Union Bank of Maryland was organized. The articles of association appeared February 24, 1804.<sup>4</sup> On April 10 of the same year books were opened for subscriptions of stock, and the amount requisite to enable them to proceed with the election of directors was subscribed in one day. It began business in June, 1804, as a limited partnership or company, and it was thus the first bank in Maryland to begin operations without first having procured a charter.

The capital stock of the bank was \$3,000,000, in shares of \$100, of which \$2,312,150 was paid in. Subscription books were opened in the counties, and 500 shares were allotted to each county (1000 to Anne Arundel) for subscription. Senators and delegates were made county commissioners in

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<sup>1</sup> *Federal Gazette and Balto. Daily Advertiser*, Jan. and Feb., 1804.

<sup>2</sup> *Federal Gazette and Baltimore Daily Advertiser*, Feb. 23, 1804.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, Feb. 24, 1804.

charge of the subscriptions. Five thousand shares were reserved until after incorporation, so that the State, if it desired, might subscribe. The two latter measures were probably taken with a view to procuring votes for the charter, though there appears to be no evidence that other inducement was offered.

The articles declared the liability of the company to be limited to their capital stock, but directors were personally liable for dividends declared in excess of profits. Land, ships, and merchandise could be held only as security. The partnership was to terminate in 1825, unless a charter was received before that time.<sup>1</sup>

All of the banks thus far established were in Baltimore, and were preëminently for the aid of its commerce and manufactures. The agricultural needs had not yet received the necessary attention. With a view to assisting the farmer class especially, the Farmers' Bank of Maryland was organized in August, 1804, at Annapolis, and a branch bank was located at Easton, and later (1807) another at Frederick. In addition to benefiting the agricultural interests, it was hoped that it would also assist in Annapolis a commercial development parallel to that of Baltimore, and that it would divert from Baltimore to Annapolis the amassing of the free capital of the State. Easton, too, it was hoped to develop into an entrepôt for the southern part of the Eastern Shore, and thus cut off the flow of Maryland produce to Alexandria.

It started as a private partnership. The articles of association appeared early in August, 1804. A lively discussion was provoked. It was urged that the agricultural interest did not require and could not support such an institution, and that the commerce of Annapolis and Easton was not of sufficient magnitude to need it.<sup>2</sup> At this time the

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<sup>1</sup> Other provisions related to voting and the election of directors and are essentially the same as those of the charter to be described in the next section.

<sup>2</sup> Observations on an act . . . . to establish the Farmers' Bank of Maryland.



application of the Union Bank for a charter was being bitterly opposed by the friends of the old banks, who wished to retain the monopoly of banking in their hands. The Bank of Baltimore had been paying regularly from 10 to 12 per cent. in dividends, and its stock was quoted at \$500 (par \$300). Union Bank stock was selling at \$8 to \$10 advance, though it was still unincorporated. The two new banks were able to obtain charters from the December session of the Assembly, 1804, by banding their forces and working for each other in the Assembly.<sup>1</sup>

At Charlestown, a town created by act of Assembly, and which scarcely had an existence except on paper, a private bank was organized in 1804 under the title of the "Fisher-man's Bank of Charlestown." A branch was placed at Turkey Point. The nominal capital was \$1,000,000. A charter was never obtained. It was largely a means of booming the town.<sup>2</sup>

The renewal of the continental wars in 1804 again made a market for Maryland products, and Maryland commerce and manufacture, which had sunk so low in 1803, had by 1806 again almost attained that degree of prosperity which was reached in 1799. The export trade in 1806 amounted to \$14,500,000. On the crest of this wave of prosperity the Mechanics' Bank of Baltimore was chartered in 1806 to give aid especially to practical mechanics and manufacturers. The capital was \$1,000,000, of which \$640,000 was paid in, including \$94,625 subscribed by the State.<sup>3</sup>

Up to 1807 Baltimore and Annapolis, the most populous and leading industrial cities of the State, were the seats of all the banking institutions. In the Farmers' Bank, at Annapolis, one of the aims was to aid agriculture. In 1807 a general extension of banking advantages to the various counties by locating banks in the most important county

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<sup>1</sup> *Federal Gazette and Balto. Daily Advertiser*, Aug. 28, 1804.

<sup>2</sup> *Ibid.*, Aug. 7, 1804.

<sup>3</sup> Griffith's *Annals of Baltimore*, p. 179.

town, was begun. The first bank thus established was the Hagerstown Bank, in Washington county. Its capital was \$250,000. In the course of a few years banks were located in nearly all the counties of the State.

TABLE OF THE CHARTERED BANKS OF MARYLAND  
ON JANUARY 1, 1810.

Name of Bank.	Established.	Authorized Capital.	Paid-in Capital.
Maryland, . . . . .	1790 . . . . .	\$300,000 . . . . .	\$300,000
Baltimore, . . . . .	1795 . . . . .	1,200,000 . . . . .	1,199,250
Union, . . . . .	1804 . . . . .	3,000,000 . . . . .	1,845,560
Farmers', . . . . .	1804 . . . . .	1,200,000 . . . . .	819,575
Mechanics', . . . . .	1806 . . . . .	1,000,000 . . . . .	555,970
Hagerstown, . . . . .	1807 . . . . .	250,000 . . . . .	250,000
Totals . . . . .		\$6,950,000 . . . . .	\$4,970,355

### 5. A Typical Charter.

We shall defer consideration of the charter for a moment to notice briefly the legal basis of banking privileges in Maryland. The sources of this privilege were the common-law right and special charters granted by the State. In some of the States of the Union the common-law privilege was from an early date restricted, both to secure the public safety and also on account of the granting of monopoly privileges to special companies. This, however, did not occur in Maryland until 1842.<sup>1</sup> The two systems coexisted throughout the early part of our period, though in 1817 a partial restriction of the common-law right occurred, when it was made unlawful for persons to associate for banking purposes without first procuring a charter.<sup>2</sup> The effect of this law was to prevent companies with large capital from engaging in banking without charters, but it did not apply to individuals. Persons issuing notes were in 1831 made subject to the same laws as banks in regard to the denominations of the notes allowed to be issued,<sup>3</sup> but the power to

<sup>1</sup> See p. 100.

<sup>2</sup> Md. Laws, 1817, ch. 156.

<sup>3</sup> Ibid., 1831, ch. 317.

issue remained intact until in 1842 the State removed it by legal enactment.<sup>1</sup>

A change occurred in the legal basis of banking rights in 1864, when the National Government passed a general law regulating banks. The reorganization of nearly all Maryland banks under this law marks the limit of our study. Free banking under a general law was frequently under debate in Maryland during the forties and fifties, and in 1852 a bill was introduced into the Legislature to establish such a law, but its passage was defeated.<sup>2</sup>

With this preliminary digression we will return to the charter. Excepting the charter of the Bank of Maryland, the charters of all Maryland State banks follow closely the form of that of the Bank of Baltimore, which was established in 1795, the second bank in the State. Special attention was given by the House of Delegates to the form of the charter,<sup>3</sup> and it served as a type for the charters of later banks. For these reasons it is the better suited for examination.

Various points of similarity between it and the charter of the first Bank of the United States indicate that the latter may have been used to some extent as a model. The following points of similarity may be mentioned:

1. The system of voting; the power of the majority limited.

2. Rotation of directors.

3. Personal liability for debts exceeding a limited amount.

4. Similar regulations regarding real estate and trade.

The following is an abridgment of the leading articles of the charter:

The location, capital, and number of shares were prescribed, and thirty-six persons were designated to receive subscriptions of a stated number of shares in Baltimore and in each of the eighteen counties. The books were to be kept open for subscriptions not less than three days nor longer than three weeks. Stock subscribed was deemed the property of the person in whose name it was taken in spite of all

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<sup>1</sup> See p. 100.

<sup>2</sup> See p. 110.

<sup>3</sup> *Journal of House of Delegates*, 1795, p. 25, (Nov. 18).

agreements to the contrary. A person was allowed to subscribe not more than twenty shares in one day, though if too many shares were subscribed, the largest subscriptions were to be reduced so that all subscribers might hold some stock. Unsubscribed shares were to be laid open for subscription in Baltimore after four weeks' notice.

Payment of subscriptions was divided into two parts, and the first part was subdivided into thirds, of which the first third was payable to the Commissioners of Baltimore previously to the election of directors, after two months' notice. The directors, when elected, were to call in the remainder by December 1, 1797, though any subscriber could pay up his stock in full at any time before this limit and draw dividends on the amount paid in. Failure to pay the first third forfeited the right to the share.

The shareholders were to elect annually a board of fifteen directors who were to choose one of their number as president. As soon as 3000 shares had been subscribed and \$150,000 paid in specie, the election of directors was to be effected. The bank was allowed to begin operations when \$300,000 had been paid in specie. The directors were empowered to appoint officers, clerks, and servants, and to fix their compensation.

They were created a corporation with the usual powers and the following provisions were to be the fundamental articles of its constitution :

(1) The number of votes to which each stockholder was entitled, was, according to the number of shares he held, in the following proportion : one vote for each share up to two ; one vote for every two shares from two to ten ; one for every four from ten to thirty ; one for every six from thirty to sixty ; one for every eight from sixty to one hundred. No one could have more than thirty votes. Shares had to be held three calendar months previous to the day of election to confer the right of voting. Stockholders actually resident within the United States and none other were allowed to vote by proxy.

(2) One-third of the directors in office was ineligible for reelection the next year ; the director who was president could always be reelected.

(3) Directors had to be citizens of the United States. No director of another bank could be a director of this bank. There were to be half-yearly dividends of profits. The stockholders were to receive an annual statement from the directors of surplus profits and of debts unpaid at the expiration of the original credit.

(4) Compensation of the president and directors was in the hands of the stockholders.

(5) Nine directors were to constitute a board for the transaction of business.

(6) Six hundred shares of stock, \$180,000, were to be reserved for the State, of which not over \$90,000 might be paid in in any one year.

(7) A meeting of the stockholders could be called by sixty or more stockholders representing at least two hundred shares. Ten weeks' notice of the meeting had to be given and its object specified.

(8) Neglect to pay any instalment of the capital forfeited the benefit of any dividend having accrued prior to the time of making the payment or during its delay.

(9) Bond of at least \$50,000, with two or more acceptable sureties, was required of each cashier or treasurer.

(10) The corporation could only hold such lands and tenements as were necessary for its accommodation in the transaction of its business, and such as were mortgaged to it as security, or conveyed in satisfaction of debts previously contracted, or purchased at sales upon judgments obtained for such debts.

(11) The corporation could only deal in bills of exchange, promissory notes, gold or silver bullion, or in the sale of the produce of its lands. Six per cent. per annum was the maximum rate for loans and discounts.

(12) A loan of more than \$50,000 to the State of Maryland, to the United States, or to any State, or of any amount whatsoever to a foreign State, required legislative sanction.

(13) Stock was transferable according to the by-laws of the corporation.

(14) Bills obligatory and of credit made to any person or persons were to be assignable by endorsement; bills or notes of the bank payable to bearer were made negotiable by delivery only.

(15) A prescribed form of oath for directors and cashier.

(16) If the corporation dealt in any goods contrary to this act, treble the value of the goods so dealt in was to be forfeited.

(17) If loans were made in violation of the twelfth article, three times the amount so loaned was to be forfeited.

(18) The total amount of the debts which the corporation might at any time owe, not considering deposits for safe keeping as a debt within the meaning of this provision, might not exceed double the amount of the capital actually paid in. Directors under whose administration any excess occurred were made personally liable for it, in addition to the liability of the corporation. Directors who were absent when the excess was created or who dissented from the resolution creating it, might exonerate themselves by giving notice to the Governor of the State or to the stockholders.

(19) The treasurer for the Western Shore was to be furnished annually, or oftener if required, with statements of the amount of the capital, the debts due to and from it, the deposits, the notes in circu-



lation, the cash in hand, and profits. He was given power to inspect the books and accounts of the bank, so far as was necessary relative to the public safety and the profits belonging to the State, but he was not allowed to inspect private accounts.

(20) The State, whenever it held \$66,000 stock, was entitled to appoint two directors, to be elected one each by the House and Senate.

(21) The capital stock and funds of the bank were deemed personal and not real estate.

(22) The bank was prohibited from issuing notes of a less denomination than five dollars.

The duration of the act was limited to twenty years.

The charter of the Bank of Maryland, established in 1790, differed materially from that of the Bank of Baltimore. The privileges granted were greater, and there were no provisions corresponding to the fundamental articles of the charter of the Bank of Baltimore. The subscription of the capital, \$300,000, was not allotted among the counties. Provisions regarding the capital, payment of subscriptions, voting, election of officers were similar to those of the charter described. A committee of three, chosen quarterly from the directors, were to inspect the accounts of the bank weekly. The liability of stockholders extended only to the amount of the stock. The charter was perpetual.

There were special provisions relating to fraud, robbery and debts. Any officer or stockholder convicted of fraud, forfeited his stock to the company, in addition to the remedy which might be had in the name of the company. Forging or counterfeiting was felony, punishable with servitude, seven years or less. Stealing bank notes was punishable as if other goods of the same value had been taken.<sup>1</sup> Debts of delinquents were to be collected by sale of property on an issue of a *capias ad satisfaciendum, fieri facias*, or attachment by way of execution. Such execution was not liable to delay by a *supersedeas*, writ of error, appeal or injunction from the chancellor, provided no part of the debt was in dispute.

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<sup>1</sup> Md. Laws, 1792, ch. 1.

No limits were prescribed to the debts of the bank, none to its issues. It was not required to make an annual report to the Legislature, probably because the State had reserved for itself no share in its stock.

*6. Some Features of Early Maryland Banking.*

The monopolistic element in banking was especially distasteful in Maryland. A clause of the State Constitution discourages monopolies.<sup>1</sup> Two means were adopted to render banks of a public character. First, the State reserved the power in the charter to subscribe a specified amount to the capital stock of each bank.<sup>2</sup> As early as 1803 the State utilized this privilege as an investment for its unemployed funds by paying up the amount of 220 shares, out of 600 reserved, in the Bank of Baltimore.<sup>3</sup> The State did not subscribe in all the banks, but by 1811 some stock had been paid up in each of the city banks, and in three county banks. The State subscribed to the stock of no banks established after 1811. The maximum reached by the State subscriptions was \$540,000. The revenue which it yielded ranged from \$30,000 to \$40,000 per annum.<sup>4</sup> The amount reserved for subscription by the State varied from one-third to one-tenth of the capital.

In a second manner the interest in banks was made general, and they were prevented from becoming too great a power in the hands of a few. The subscription of the capital stock of the early banks chartered by the State Legislature, unless they had been previously organized as partnerships, was apportioned among the twenty-two counties of the State.<sup>5</sup> A committee, usually of three, was appointed to receive subscriptions at the county seat of each county. Persons non-resident in the county could not subscribe until after the lapse of a specified time. Shares remaining untaken

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<sup>1</sup> Dec. of Rights, sec. 39.

<sup>2</sup> The Bank of Maryland is excepted ; its stock was wholly private.

<sup>3</sup> Md. Laws, 1802, ch. 58.

<sup>4</sup> Annual Reports of Treasurer for the Western Shore.

<sup>5</sup> Cf. Charters of Bank of Baltimore, Farmers' Bank, City Bank, etc.

at the expiration of the time limit could be subscribed by any one, and if they still remained untaken, they were offered in Baltimore after notice given in the papers.<sup>1</sup>

The allotment of the stock to the various counties for subscription was, of course, impossible when the banks had been in existence as partnerships before a charter had been applied for. In such cases their stock was already subscribed. Whenever the distribution of their stock was objectionable to them, they avoided it by organizing as a partnership before asking for a charter. Of the eleven banks which had been chartered in Baltimore before 1812, six started as private partnerships, though when charters were obtained by most of these, their capital stock was distributed throughout the State for subscription. In 1817 it was forbidden by law to organize a banking company without having first procured a charter.<sup>2</sup> The object of the law was to prevent the rapid increase of banking organizations. However, by this time the establishment of banks throughout the counties had put at rest the cry against the privileged few and against the absorption by the city, of the free capital of the country districts.

In 1795 an attempt was made to introduce into Maryland the principle of State participation in the profits of banks, in addition to the dividends upon its stock. It was proposed that one-half of the excess of the profits of the Bank of Baltimore, over 10 per cent. per annum should be paid to the State.<sup>3</sup> A lengthy discussion over it was provoked in the Legislature, but it was finally rejected, perhaps to compensate for the refusal of the Legislature to grant as great privileges as were asked for.

The right to issue promissory notes to circulate as money

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<sup>1</sup> In the same spirit, if too much was subscribed, the largest subscriptions were reduced in favor of the smallest, so that each subscriber might have at least one share. Cf. p. 27.

<sup>2</sup> Md. Laws, 1817, ch. 156.

<sup>3</sup> This principle is a feature of the charter of the Reichsbank of Germany, established in 1875.

is in no case specifically granted, inasmuch as at this time the common-law privilege of every one to issue, had not been restricted.<sup>1</sup>

The only limit placed upon the issue of notes was that the total of debts which a bank might at any time owe should not exceed twice the amount of the capital actually paid in. This limit was of little effect. Only in one or two cases of the most reckless banking did the debts approach it. The personal liability of the directors for any excess of debts over this amount was, therefore, only an empty form, since there was little probability of reaching this mark in practice. However, the introduction of the principle of personal liability was valuable, and the path to its future use was made easier.

The clause of the charter which required that the capital be paid in legal money<sup>2</sup> proved a very salutary one. Usually one-fourth of the nominal capital was required to be in hand in specie before operations could be begun. This compelled the banks organized between 1795 and 1810 to be founded upon a solid capital. Up to this time no evidence can be found that the instalments of capital were paid with stock notes.

The business which the banks might engage in was carefully restricted to banking operations exclusively, in which were included the functions of discount, deposit and issue. The holding of real estate was expressly prohibited, except so far as it was necessary for the conduction of business, and except also land mortgaged or purchased in satisfaction of debt, or held as security. Real estate was not allowed to remain in the possession of the bank more than three years. It was not forbidden to loan upon mortgage security; in fact, in the case of the country banks it was expressly permitted to loan upon land. The Mechanics' Bank also was allowed to loan to practical mechanics and manufacturers on

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<sup>1</sup> Cf. p. 25.

<sup>2</sup> Gold, silver, or the notes of specie-paying banks.

property security up to one-eighth of its paid-in capital, but no loan was to be made for more than \$3000, nor for longer than two years. Commercial operations, a most tempting field for Maryland capitalists, were usually especially forbidden to the banks.

The monopoly of banking was not given to the chartered banks, though they enjoyed an advantage over unincorporated banks through their limited liability.

By virtue of the State's subscription to the stock of the banks, two means of inspection of their operations were furnished. As a stockholder the State assumed the right to participate in the direction of the banks by appointing a part of the directors, usually from one to four, varying with the amount of the State's stock. These directors had the same rights, powers and privileges as those elected by the stockholders.<sup>1</sup> In the second place, the annual reports, required to be rendered to the treasurer for the Western Shore, gave the public some idea of the condition of the banks. To be sure, the primary object in each case was not protection of the people at large, but simply the safety of the State's stock.

In 1806 a provision was introduced into the charter of the Mechanics' Bank requiring a reservation of 1 per cent. of its capital from surplus profits as a contingency fund. The principle became common by insertion in other charters, but it did not appear in all. The fund was not applicable to any particular sort of liability, but to all in general. It might easily have become an important safeguard by being required of all the banks, and by being placed in the hands of a State officer, to meet the liabilities not otherwise provided for, of insolvent banks. This is, in fact, the substance of the Safety Fund law of New York, adopted in 1829.<sup>2</sup>

In 1793 an act was passed making the forgery, or counterfeiting, or stealing, or knowingly passing such notes of any bank of the United States felony, and punishable as if goods

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<sup>1</sup> Md. Laws, 1807, ch. 141.

<sup>2</sup> *N. Y. Senate Journal*, Apr., 1829.



of like value had been stolen.<sup>1</sup> This simply made general the application of the law passed with reference to the Bank of Maryland.<sup>2</sup> In 1797 the same was applied to the forging of checks and orders.<sup>3</sup> Forgery on a bank was made punishable by death in 1806,<sup>4</sup> but this extreme measure was repealed after two years.<sup>5</sup> No executions occurred under it. The much milder penalty of five to ten years in the penitentiary was fixed upon in 1809.<sup>6</sup>

In many respects we must pronounce these early ideas of banking very crude, yet little else could be expected in the case of a new institution. As with other institutions, so with banking, the elements were imported, but the development was made to suit American conditions; experience was the teacher. The nature, functions and benefits to be derived from banks were pretty clearly understood,<sup>7</sup> but on the side of practice, their experience had not yet been sufficient to lead them to sound rules of management. The law prescribed no security for notes or deposits, and practically no limit for issues. The public was really at the mercy of the bank. The capital was required to be paid in gold, silver, or the notes of specie-paying banks, but no method of examination was prescribed to see that the law was complied with. Contemporary writers<sup>8</sup> repeatedly affirm that the capital was paid in specie bona fide, and that stock notes were not used.

The State did not insist upon its privilege of supervision granted to it as a stockholder. The requisition of an annual report and the right to inspect at any time might easily have been made by the State authorities a means of wholesome criticism upon the banks, if it had been properly enforced, but the banks paid little attention to it, and repeated acts<sup>9</sup>

<sup>1</sup> Md. Laws, 1793, ch. 35.

<sup>3</sup> Md. Laws, 1797, ch. 94.

<sup>5</sup> Ibid., 1808, ch. 72.

<sup>7</sup> See pp. 17 and 21.

<sup>9</sup> Resolution 18, Md. Assem., Dec., 1818. Ibid., 47, Md. Assem., Dec., 1819.

<sup>2</sup> See, p. 29.

<sup>4</sup> Ibid., 1806, ch. 84.

<sup>6</sup> Ibid., 1809, ch. 138.

<sup>8</sup> Cf. Niles' Register.

requiring the reports availed little until 1826, when a penalty was imposed for non-compliance.

An annual report kept the stockholders informed of the condition of the bank. This, with the rotation of directors and their personal liability for dividends declared in excess of profits, were almost the only provisions in the interest of stockholders.

Political influence frequently had much to do with securing a more or less favorable charter. State Delegates and Senators were made county commissioners to receive subscriptions in the various counties with a view to procuring their influence in the Assembly on the vote for the charter.<sup>2</sup> No direct evidence of corruption has been found; however, complications with political parties were scarcely calculated to assist in the formation of sound banking principles.

### 7. *Practice.*

The presence in Baltimore of the branch of the Bank of the United States had a very salutary effect upon Maryland banks. The policy of the Bank of the United States was always to restrict as far as possible State bank circulation. This was accomplished by the frequent return of the State bank notes received over its counters. Naturally the State banks were strenuous in their objections to what they called the oppression of the "monster" bank, but on the whole the competition was very beneficial in reducing issues and in fixing the habit of daily exchanges between the banks.

The directors were usually men engaged in mercantile pursuits, who were broadly acquainted in business circles, and who knew the standing of parties liable to call for loans. To secure a broader territory from which to draw its patrons, the Farmers' Bank of Maryland adopted the plan of having a director from each county, who might be able as an intermediary to extend banking facilities into his county, and

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<sup>1</sup> Md. Laws, 1826, ch. 215, sec. 5. Gouge, *History of Paper Money*, ch. 6.

<sup>2</sup> *Federal Gazette and Baltimore Daily Advertiser*, Feb. 24, et seq., 1804. A Brief Exposition, etc.

who might also have the necessary knowledge of parties of his locality asking the bank for accommodations.

To prevent the banks from falling into the hands of a few individuals, a system of rotation of directors prevailed, as has been mentioned.<sup>1</sup> The danger in this was that a board not sufficiently skilled in banking affairs might be placed in charge of the bank. This, however, seems to have been avoided, since any diminution of the percentage ineligible for reelection was, when referred to the stockholders, regularly opposed by them,<sup>2</sup> whereas they would have been very sensitive to a diminution of the dividends from lack of skill in management.

The directors, since they were usually men in mercantile or commercial business, especially appreciated banking facilities and in many cases they were the ones who most needed discounts, yet there can be no doubt but that they enjoyed especial favors at the bank, both in respect to rates and amounts of discounts. In the charter of the Farmers' Bank at Annapolis a clause was inserted which prohibited directors from receiving discounts on different terms from others.<sup>3</sup> A second step was immediately taken placing a definite limit to the amount of discounts which directors might receive. For the Farmers' Bank the limit was \$1000 a week; for the Mechanics' of Baltimore the total was fixed at \$9000, renewable at discretion. The Hagerstown Bank allowed \$500 a week.

There was, too, considerable dissatisfaction with the banks, owing to the fact that they confined their discounts largely to a small number of friends, and did not grant accommodations to all simply on the merit of the paper offered. This charge was urged especially in the early years of banking in Maryland, when the banking capital was altogether inadequate to the needs of the community. The Bank of Maryland and the Bank of Baltimore became very objection-

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<sup>1</sup> See pp. 26, 27 and 35.

<sup>3</sup> *Ibid.*, 1804, ch. 61.

<sup>2</sup> *Md. Laws*, 1800, ch. 23.

<sup>4</sup> *Ibid.*, 1807, ch. 26.

able in this respect, and this, in fact, furnished a strong argument for the creation of the Union Bank.<sup>1</sup>

The board of directors for the transaction of business usually consisted of from six to nine, of whom the president was one; but four or five directors were allowed to constitute a board for making discounts only.<sup>2</sup> Discounts were made on two days of the week, and two acceptable sureties were required on each paper. The maximum rate lawful for the banks to charge on loans and discounts was fixed at 6 per cent. per annum.<sup>3</sup> If information was given and supported to the satisfaction of the majority of the board or quorum of directors that any director or other officer had in any way been concerned in taking usury, he lost his seat.<sup>4</sup> After 1806 this provision was inserted in the charters.

In respect to discount time the provisions in the various charters varied, the country banks as a rule being allowed to discount for a longer time than city banks, and those discounting on real security for a longer time than those taking only personal security. There was no general law on either the time or rate of discounts, but after 1806 each was regulated by a clause of the charter. The Mechanics' Bank discounted notes or bills on personal security for 120 days; on property security the maximum time was two years.<sup>5</sup> For the Hagerstown Bank the discount time was six months.<sup>6</sup> In Baltimore at this time the major part of the loans were upon personal security. It was impossible to obtain collateral for any considerable portion of the business. Loans were made to some extent also upon real security; in the country most loans were secured either primarily or ultimately by real property.

A feature peculiar to the Scotch banks was introduced into Maryland by the Farmers' Bank at Annapolis; this was

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<sup>1</sup> *Federal Gazette*, etc., Apr. 10, 1804.

<sup>2</sup> Md. Laws, 1814, ch. 9. *Ibid.*, 1804, ch. 61.

<sup>3</sup> *Ibid.*, 1807, ch. 26.

<sup>4</sup> *Ibid.*, 1806, ch. 19.

<sup>5</sup> *Ibid.*, 1806, ch. 19.

<sup>6</sup> *Ibid.*, 1807, ch. 26.

the system of cash accounts. An account of this sort might be opened on application of any farmer, mechanic or manufacturer for sums from \$100 to \$1000, whereby the party might draw or pay in any sum not less than \$50 at any one time, and on which settlements were to be made semi-annually, the party drawing cash to pay interest for what he might owe at 6 per cent. per annum, to be deducted on opening the account, and to be allowed interest on all sums returned from the time of payment. The party opening the account had to give good personal or real security. The directors were not obliged to lend money on such cash accounts to a greater amount, at any one time, than one-fifth part of their capital.<sup>1</sup> An attempt was made in 1804 to introduce this feature into the practice of both the Bank of Baltimore and the Union Bank.<sup>2</sup> A special object of the formation of the Farmers' Bank was the encouragement of agriculture, and this was practically but another method of loaning upon real security, since most of the bank's patrons were farmers with little other available security. Anne Arundel was one of the most fertile and progressive sections of the State, and therefore one where loaning upon real security would most likely be successful, since there land found comparatively ready sale.

The practice of paying interest on deposits was first introduced in America by the Farmers' Bank of Maryland.<sup>3</sup> Deposits for a period of at least six months drew interest at the rate of 4 per cent. per annum; 3 per cent. was paid on deposits drawable on demand. The directors of the Farmers' Bank were empowered to issue notes on such deposits, as they might judge prudent, up to the amount of the deposits. The practice of paying interest on deposits became general at a later time.

It has been impossible to ascertain the amount of the circulation of Maryland bank notes at this time. Mr. Blodget,

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<sup>1</sup> Md. Laws, 1804, ch. 61.

<sup>2</sup> *Federal Gazette*, etc., Nov. 14, 1804. A Brief Exposition, etc.

<sup>3</sup> Md. Laws, 1804, ch. 61.



in his "Economica," places the circulation of all the banks of the United States for 1804, 1807 and 1809 at \$14,000,000, \$18,000,000 and \$19,000 000, respectively. This is probably only an estimate; however, we may be safe in the inference that no great expansion had yet occurred. The United States Bank and its branches were efficient in keeping State bank issues in check; also the prohibition from issuing notes of a less denomination than \$5, acted as a restriction upon issues, in that it kept an amount of small coin always in circulation.

It was usual for the banks to try to maintain an amount of cash on hand equal to one-third of their circulation. This proportion was familiar from the custom of the Bank of the United States and of the Bank of England.<sup>1</sup> There was no legal requirement in Maryland fixing the amount to be held.

Dividends of profits were made semi-annually. The directors were personally liable for dividends declared in excess of profits.<sup>2</sup> Up to 1795 the Bank of Maryland divided 12 per cent. annually. In 1804 it divided 9 per cent., and the Bank of Baltimore 10 per cent.<sup>3</sup> As banking capital increased the profits of the individual banks slowly declined. In 1810, 8 per cent. per annum was perhaps the average.<sup>4</sup> In March, 1804, Bank of Baltimore stock was selling at \$500 per share (par \$300). In the latter half of the year it dropped to \$400, on account of the establishment of competitive banks. Union Bank stock at this time, before the bank was chartered, was selling at \$8 to \$10 premium.<sup>5</sup>

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<sup>1</sup> A Brief Exposition, etc., p. 38.

<sup>2</sup> Md. Laws, 1806, ch. 19.

<sup>3</sup> *Federal Gazette*, etc., Mar. 7 and Aug. 14, 1804.

<sup>4</sup> *Ibid.*, Mar. 26, 1810.

<sup>5</sup> *Ibid.*, Aug. 14, 1804.

## CHAPTER II.

## BANKING IN MARYLAND, 1810-1864.

1. *A Period of Expansion, 1810-1818.*

The development of State banking in Maryland proceeded slowly and naturally from the establishment of the Bank of Maryland in 1790 with \$300,000 capital, up to the end of 1807, when the total banking capital was \$7,450,000, including \$500,000 in the branch of the United States Bank at Baltimore. \$5,500,000 of this total had actually been paid in. Extension had been made only in response to an actual demand for increased banking facilities, and in reality it had scarcely kept pace with the rapidly-developing commercial, manufacturing and agricultural interests of the State.

From 1806 to 1810 Maryland industries were in a very unsettled condition, owing to interruptions by the belligerents of Europe. Troublesome interference, the Berlin and Milan decrees of 1807, and the embargo of 1807, had almost ruined Maryland's export trade. In March, 1809, the embargo was raised, and conditions immediately improved; exports jumped from \$2,700,000 for 1808 to \$6,600,000 for 1809. This period of prosperity was only checked by the war of 1812, and after its termination Maryland trade assumed its normal proportions.

This state of affairs is reflected in the banking history. No increase of banking capital occurred during the years 1806-9. In 1810, coincident with a revival of trade, a period of rapid expansion began, which extended over eight years. It was in part evoked by industrial causes, but was also largely due to the prospective failure of recharter of the first Bank of the United States. The closure of this bank, whose charter expired in 1811, was anticipated in 1810, and throughout the country there was a general and rapid movement of expansion on the part of the State banks to occupy the banking field which was about to be vacated. In Mary-

land, however, the cause of the organization of the new banks was largely industrial, and the purely speculative element was decidedly subordinate.

During these eight years banks were located in the industrial centers of the most advanced counties of the State; fourteen of the nineteen chartered during these years were in the counties. The expansion was an extensive, rather than an intensive, one. There was no increase in the amount of the nominal capital of the old banks; some enlargement may have been effected by calling in additional payments on the shares when the entire capital had not been paid up. This margin was, however, small, since the entire capital of the banks, with two or three exceptions, had been paid up.

The increase of banking institutions began in 1810, when the Assembly granted five new charters for banks, of which four were to be located in Baltimore, the fifth at Elkton, in Cecil county. The Baltimore banks were the Marine,<sup>1</sup> the Commercial and Farmers',<sup>2</sup> the Farmers and Merchants',<sup>3</sup> and the Franklin,<sup>4</sup> and they embodied a nominal capital of \$2,700,000. All of these banks organized under articles of association before applying for charters. The Commercial and Farmers' Bank had been under discussion for some time, and its organization had been decided upon in order to bring banking advantages nearer to the merchants in the upper part of the town. Subscriptions to its stock were well advanced, when notice of the projected establishment of the other banks was sprung upon the public by the publication of their articles of association. Quite a sensation was created by the suddenness and the extent of the new enterprises, and efforts were made to consolidate the four into one, or at most two.<sup>5</sup> These were, however, unavailing, and the four banks received charters from the Assembly. The State became a subscriber to the stock of each of them.

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<sup>1</sup> Md. Laws, 1810, ch. 66.

<sup>2</sup> Ibid., 1810, ch. 68.

<sup>3</sup> Ibid., 1810, ch. 77.

<sup>4</sup> Ibid., 1810, ch. 67.

*Federal Gazette*, etc., Mar. 14, 19 and 23, 1810.

The discussion evoked by the organization of these apparently uncalled-for banks was not, however, without fruit. To prevent a repetition of this occurrence the General Assembly immediately passed an act "to prevent the increase of banking companies," by which persons were prohibited from associating for the purpose of forming a banking company without first applying for a charter. Each person acting as commissioner for such parties was made liable to forfeit \$2000, and each subscriber \$100.<sup>1</sup> The effect of this was to enable the Assembly to control completely the increase of banking companies, and thus to enable them to check at the start the mania which was growing apace in other States.

Great alarm was occasioned in the State in 1812, when it was found that a company had dared to organize under articles of association. The City Bank of Baltimore was formed as a private partnership in 1811, and over \$800,000 of its stock had been subscribed before it asked for a charter. In 1812 one was granted which fixed the capital at \$1,500,000, of \$25 shares, of which 4000 shares were reserved for the State and 27,600 shares were distributed among the counties for subscription.<sup>2</sup> The remainder was taken in Baltimore. There is no evidence that the penalty for violation of the law was imposed upon them.

No other banks were chartered in Baltimore until 1835. In 1813 the monopoly of banking in Baltimore was conferred on the banks then existing.<sup>3</sup> The circumstances under which this occurred will be explained in the next section.

The banks which were organized in the counties were largely to assist the agricultural class, though manufacturing was becoming an important interest, and, especially in the western counties, mining and lumbering operations had already assumed large dimensions.

The Elkton Bank was started with the primary object of

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<sup>1</sup> Md. Laws, 1810, ch. 108.

<sup>2</sup> *Ibid.*, 1812, ch. 180.

<sup>3</sup> *Ibid.*, 1813, ch. 122.

aiding the flour trade of that town.<sup>1</sup> And thus special circumstances in each case were of influence. Between 1810 and 1817 banks were established in twelve counties. Following is a list of these banks:

TITLE.	LOCATION.	EST.	CAPITAL.
Elkton . . . . .	Elkton.	1810	\$300,000
Farmers' Bk., Som-			
erset and Worcester	Snowhill.	1811	200,000
Branch at . . . .	Salisbury.	1814	. . . .
Cumberland . . .	Allegany.	1811	200,000
Somerset . . . . .	Princess Anne.	1813	200,000
Conococheague . .	Williamsport.	1813	250,000
Caroline . . . . .	Denton.	1813	200,000
Susquehanna Bank			
and Bridge Co. .	Port Deposit.	1814	250,000
Havre-de-Grace . .	Havre-de-Grace.	1814	300,000
Westminster . . .	Westminster.	1816	300,000
Branch at . . . .	Fredericktown.	1821	. . . .
Planters' Bank of			
Prince George's Co.	Upper Marlboro.	1817	200,000
Centreville*. . . .	Centreville.	1817	200,000
Farmers' Bank of*	Leonardtown.	1817	100,000
Frederick Co.	Frederick.	1817	500,000
N. and S. Branch			
Bank of Potomac*	Old Town.	1818	250,000
Total,			\$3,450,000

\* Did not open for business.

Summarizing our results, we see that from seven banks in 1809, with a nominal capital of \$7,450,000, of which \$5,500,000 had been paid in, the number had risen to twenty-two, whose nominal capital was \$14,750,000, of which \$8,500,000 was paid in. About \$500,000 had been withdrawn by the closing of the branch of the United States Bank at Baltimore.

<sup>1</sup> Johnston, History of Cecil County, p. 405.



*2. An Industrial Experiment by the Banks; Recharter and Taxation.*

The period of duration of all the charters granted by the State, except that of the Bank of Maryland, was specified; 1815 was the time of expiration of all the charters given before that date. When the question of recharter arose, Maryland was in the heat of the internal improvement discussion. The popular favor of this policy was strong, and roads, bridges and canals were being planned on a broad and systematic scale to bring all sections of the State within easy communication of their port, Baltimore. The war with Great Britain was burdening the State and the city of Baltimore with debt, so that they were unable to assist the new schemes financially. Much private property of citizens had been destroyed, and their resources had been otherwise drained by the calls of the State and city for loans. It was strongly urged to sell the bank stock owned by the State, and to invest the proceeds in the various road companies, but the bank stock had been so profitable to the State treasury that the proposition was rejected.

Another circumstance opened up a course of action. A large element of the people was hostile to the banks, either owing to fear of their power or to personal reasons, or to dread of conditions in Maryland similar to those in other States, concerning the horrors of which the periodicals of the day, such as Niles', expatiated with the utmost vigor. The people generally agreed that the banks should pay to the State some return for the considerable privileges bestowed upon them. Under these circumstances it was decided to harness upon the banks the construction of some of the new roads in return for the continuation of their expiring charters. This was by no means the first attempt to tax the banks. Annually, excepting one year, from 1804 on, bills had been introduced for this purpose, but had met opposition in one or other chamber of the Assembly.

Early in 1813 there was passed an act "to incorporate a company to make a turnpike road leading to Cumberland,

and for the extension of the charters of the several banks in this State, and for other purposes.”<sup>1</sup> By this act the charters of all the banks in the State were extended to November 1, 1835, upon two conditions—first, that the banks of Baltimore and of Washington county subscribed for as much stock as would raise a fund necessary and sufficient to complete the road to Cumberland; secondly, that all the banks of the State paid annually during the continuation of their charters under this act \$20,000 into the treasury, to be used as a fund for the support of county schools, and to be divided equally among the counties. Subscription to the road stock and contribution to the school fund were to be made in proportion to capital actually paid in, or that might be paid in from year to year. The State pledged itself to impose no other tax during the continuation of the act. Managers for the road company were to be chosen by the banks from their stockholders at the rate of one manager for every \$25,000 of stock subscribed, though each bank subscribing was allowed to appoint one manager. The charters of banks not complying with the terms of this act were not extended. Unless the banks expressed their agreement to it before October 1, 1813, it was to cease to be effective.

The banks did not agree to the proposition, but certain adjustments were made and embodied in a supplement to the preceding act, which passed the Assembly at the December session of 1813<sup>2</sup> and received the approbation of the banks.

The leading points of difference between the two acts were:

1. The number of banks subscribing to the road was increased. It now included the banks of Baltimore, the Hagerstown, the Conococheague and the Cumberland Bank of Allegany.

2. The president and directors, for the time being, of these banks were specifically incorporated “The President, Managers and Company of the Cumberland Turnpike Road.”

3. The charters of the banks were continued to January 1, 1835.

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<sup>1</sup> Md. Laws, 1812, ch. 79.

<sup>2</sup> Md. Laws, 1813, ch. 122.

4. The annual tax of \$20,000 for the school fund, apportioned among all the banks of the State, was changed to a tax of twenty cents on the hundred dollars of capital paid in, or paid in thereafter. This provision was to come into operation January 1, 1815. The banks could exempt themselves from this tax by paying to the treasurer before January 1, 1816, \$200,000.

5. The fund was pledged for the establishment of a general system of free schools throughout the State, and was to be equally divided among the counties. This fund was to be kept separate from the general funds of the State, and was to be invested, together with the dividends from it, in the shares reserved for the State in the Commercial and Farmers' and the Mechanics' Banks of Baltimore, and an annual report thereof to the General Assembly was required. The road became the property of the banks.

Banks accepting these provisions were continued until 1835; those neglecting them forfeited their charters. On the other hand, the State pledged itself to the banks to impose upon them no other tax during the continuation of this act, and to the banks of Baltimore it promised to grant a charter to no other banking institution to be established in the city or precincts of Baltimore before January 1, 1835.

The banks did not regard the compulsion to subscribe the road stock as a very serious burden. It was expected that the tolls would be of considerable amount, and that after a few years the stock would be a valuable resource. All the banks of the State agreed to the act within the specified time limit or shortly thereafter, and were absolved from the penalty of forfeiture of charter.<sup>1</sup>

This same idea was frequently acted upon thereafter. In 1821 the banks expressed their willingness to undertake the construction of the Boonsborough and Hagerstown turnpike road. The president and directors for the time being

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<sup>1</sup> Md. Laws, 1816, ch. 99. Ibid., 1815, ch. 167. Ibid., 1818, ch. 147. Ibid., 1821, ch. 131.

of the banks of Baltimore (except the City Bank) and of the Hagerstown Bank were accordingly incorporated the Boonsborough Turnpike Road Company.<sup>1</sup> In return the charters of the banks which complied were extended to 1845. The tax of twenty cents on the hundred dollars of capital paid in was continued, and the pledge of the State to impose no further taxation during the continuation of the act was renewed, as well as the one to charter no new banks in Baltimore or its precincts during the continuation of the act. Release from the school fund tax could be obtained by payment to the treasurer of \$100,000 before January 1, 1823. In other respects the act was like the one incorporating the Cumberland Turnpike Road Company.

Likewise in 1827 the charters of the Farmers' Bank and its branches, the Farmers' and Mechanics' Bank of Frederick County, and its branch, and the Frederick County Bank were extended to January 1, 1845, on condition that they subscribe \$10,000 each to the Frederick and Harper's Ferry road, or to one of several other roads mentioned.<sup>2</sup> The Susquehanna Bank and Bridge Company was incorporated to build a bridge over the Susquehanna, with the privilege of doing a banking business with one-half its funds.<sup>3</sup> The Washington County Bank was given a charter in 1831, on condition that it subscribed \$10,000 to the Williamsport and Hagerstown road.<sup>4</sup> In other cases the banks subscribed of their own choice. The Baltimore and Havre-de-Grace,<sup>5</sup> the Monocacy and Frederick,<sup>6</sup> the Rockville and Washington<sup>7</sup> road companies and others received aid in this manner. The Commercial Bank had the privilege of investing \$300,000 in steamers which should trade with Baltimore.<sup>8</sup> Investment in the various improvement schemes was very common, but the incorporation of banks as road-constructing companies

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<sup>1</sup> Md. Laws, 1821, ch. 131. <sup>2</sup> Ibid., 1824, ch. 92. Ibid., 1827, ch. 42.

<sup>3</sup> Ibid., 1814, ch. 66. <sup>4</sup> Ibid., 1829, ch. 198. Ibid., 1831, ch. 133.

<sup>5</sup> Ibid., 1814, ch. 69. <sup>6</sup> Ibid., 1829, ch. 35.

<sup>7</sup> Ibid., 1827, ch. 42. Ibid., 1828, ch. 119. Ibid., 1829, ch. 198.

<sup>8</sup> Ibid., 1835, ch. 289.

is rather a novel feature. The effect of investments of this sort upon the banks will be discussed in a later section.<sup>1</sup>

The idea of a tax on bank stock to raise a school fund was not new in 1812. In 1810 a bill to tax canal, road and banking corporations for this purpose passed the House of Delegates, but was defeated in the Senate.<sup>2</sup> The tax on bank stock laid by the law of 1813, chapter 122, continued in force until 1863, and yielded a fund varying in amount from \$30,000 to \$40,000 per annum. No other tax was imposed up to 1835, at which time the act expired.

### 3. *Suspension of 1814.*

The suspension of 1814 was a general one, but the causes leading up to it were of especial force in Maryland. The demand for specie was increased by the commercial restrictions caused by the blockade of United States ports. Maryland exports, from \$6,833,000 in 1811, dropped to \$3,787,000 in 1813, and \$248,434 in 1814. The sudden drop in Maryland's exports of produce in 1814 necessitated other modes of payment for her imports.<sup>3</sup> The Eastern States, too, had imported largely, and specie for repayment was required. The enlargement of the bank circulation in the Middle States had given the Eastern States an advantage; paper money replaced the specie circulation. Excessive issues were called forth by the loans to the National and State Governments, which were necessitated by the war. The Eastern States were unfavorable to the war, and in great measure they withheld subscriptions to the loans, so that the burden was thrown upon the Middle States, and especially upon the cities, Baltimore, Philadelphia and New York. Of the United States loans of 1812, 1813 and 1814, more than \$2,500,000 was subscribed in Baltimore.<sup>4</sup> In addition to this, the banks loaned the State over half a million dollars in

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<sup>1</sup> See p. 60, et seq.

<sup>2</sup> *Journal of House of Delegates*, 1810, p. 37.

<sup>3</sup> Cf. An Address by the Directors of the Banks of Phila., Aug. 30, 1813.

<sup>4</sup> Niles, May, 1812, and Apr. 3, 1813, and 1814.



1813 and 1814.<sup>1</sup> The restrictions upon the banks from making large loans to any State without the consent of the General Assembly<sup>2</sup> were removed, and the banks were allowed to loan Maryland up to the amount of their actual capital, and to the United States up to one-third of this amount.<sup>3</sup> In addition to this, the loans of private individuals to the State and to Baltimore fell to considerable extent upon the banks.

The transmission abroad in 1811 of over seven million dollars which had been invested in the Bank of the United States, had perhaps some influence. The expansion of the State bank currency to fill up the place made vacant by the expiring bank was of much greater importance. The rapid multiplication of banks and the loss of the centralizing influence of the United States Bank almost destroyed entirely the degree of consolidation and unity which had been the effect of the creation of the United States Bank. The banks of the leading commercial cities now exercised this function, but more weakly, since the number of centers was larger and the relations to the other banks were not so stringent. Each bank now dared to issue more than formerly; the facility of getting discounts was increased, and the demand for them became greater. There was an abundance of paper money, but little gold and silver; prices were high.<sup>4</sup> No resistance could be offered to the heavy demand for specie from the Eastern States and Canada, and the South and Southwest, which had been remitting in specie to the Middle States, "closed the profitless traffic." The alternatives were a restriction of discounts and circulation or suspension of specie payments. The following incomplete returns illustrate these facts:<sup>5</sup>

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<sup>1</sup> Reports of Treas. for Western Shore of Md.

<sup>2</sup> See p. 28.

<sup>3</sup> Md. Laws, 1812, ch. 1, June session. Ibid., 1813, ch. 22, May session. Ibid., 1814, ch. 70.

<sup>4</sup> Cf. Niles.

<sup>5</sup> Gallatin, *Considerations on the Currency, etc.*, p. 101.

MARYLAND.	NO. OF BANKS.	CAPITAL.	CIRCULATION.	SPECIE.
Jan. 1, 1811,	6	\$4,895,202	\$2,730,000	\$850,000
Jan. 1, 1815,	17	7,832,002	3,970,000	740,000
Jan. 1, 1816,	20	8,406,782	5,615,000	760,000

Political conditions determined the turn of affairs at this time. During 1814 the British army directed its operations against the Middle and Southern States especially; in August Baltimore was threatened. Such alarm was occasioned that the banks suspended and had their specie conveyed to places of safety. Philadelphia and New York banks immediately followed. The condition of Maryland banks, while not strong, was by no means desperate, though they would doubtless soon have been driven to suspension, since debtor banks in the South had ceased paying in specie, even if political conditions had not made it necessary.

Baltimore bank notes remained at par or very small discount in Maryland; the notes of the country banks depreciated somewhat more. Immediately after the restoration of peace in 1815, confidence in the bank notes began to rise. In February and March, 1815, Maryland notes generally, excepting those of three or four country banks, were at par within the State, and discount at Philadelphia and New York was only 2 or 3 per cent. Considerable pressure was brought to bear on the banks at this time to resume specie payments, but exchange was still high, and besides some of the country banks had extended their circulation to dangerous limits. Altogether they were unwilling to resume.

Congress, at the suggestion of the Secretary of the Treasury to force a return to specie payments, authorized the establishment of the second Bank of the United States, and it also directed that after February 20, 1817, the public revenue should be received in "lawful currency," i. e., specie, treasury notes, United States bank notes and notes of other specie-paying banks. The Secretary of the Treasury was ordered to take such measures as were necessary to cause as

soon as possible the payment of all debts due to the United States in lawful money. Accordingly, after October 1, 1816, only lawful money was received by the government for debts less than five dollars.

The Secretary of the Treasury endeavored to secure the agreement of all the banks to resume February 20, 1817. Maryland and Pennsylvania banks objected, and insisted upon July 1, 1817, instead, as the earliest date at which they would be prepared to resume. However, on February 1, 1817, at a meeting of representatives of the banks of New York, Philadelphia, Baltimore and Richmond, held in Philadelphia, it was decided to accede to the request of the Secretary of the Treasury and resume February 20, under certain provisions. The Secretary of the Treasury accepted the conditions, and accordingly agreed not to withdraw the public deposits from the State banks before July 1, 1817, or before the discounts of the United States Bank reached \$2,000,000 at both New York and Philadelphia and \$1,500,000 at Baltimore.<sup>1</sup> Also the Bank of the United States promised to aid the State banks with its resources to any reasonable extent. This compact and its support by the Bank of the United States enabled the resumption of specie payments to be made February 20, 1817.

Preparation for resumption and anticipation of the power of the United States Bank compelled the State banks to strengthen and to restrict issues. This they did by a very severe curtailment of discounts. In January, 1816, the notes in circulation of Maryland banks amounted to \$5,615,000. Within the year they were reduced by \$2,000,000, or more than one-third. The deposits suffered slight diminution, so that the restriction of discounts must have been at the same rate. The result of this would inevitably have been widespread commercial disaster, but the Bank of the United States met the demand. Within two months its discounts ran up to \$20,000,000, and by October 31, 1817, they had

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<sup>1</sup> Niles, Aug. 24, 1816. *National Intelligencer*.

reached \$33,000,000. The passage to specie payments, therefore, caused little inconvenience to Baltimore banks. Some of the more reckless country banks, which had extended their circulation too far, were in a precarious condition and were practically insolvent. In Baltimore almost as much specie was deposited as was withdrawn.<sup>1</sup>

The administration of the Baltimore banks during the suspension was careful, but the majority of the country banks, becoming irresponsible, sacrificed safety to profit. The position of the country banks, too, was peculiar, in that they had just been established. Five of the nine then existing had been chartered in 1813 and 1814. The deposits in the country districts being relatively smaller than in the city, they were forced to depend more upon their circulation for profits.

The following table will show the circulation of Maryland banks before, during and after the suspension:

	BANKS.	CAPITAL.	CIRCULATION.
Jan. 1, 1811,	6	\$4,895,200	\$2,730,000
Jan. 1, 1815,	17	7,832,000	3,970,000
Jan. 1, 1816,	20	8,406,700	5,615,000
Jan. 1, 1817,	22	8,708,800	2,727,000
Jan. 1, 1818,	22	8,708,800	1,742,000

The plethoric state of the currency was reflected throughout 1815 and 1816 by the high prices. The abundance of money was a matter of comment. All specie disappeared from Maryland at an early date, and the very serviceable regulation,<sup>2</sup> which prohibited the issue of notes of denominations under five dollars, was of necessity repealed in 1814.<sup>3</sup> Notes were the sole currency, even for small change,<sup>4</sup> until November, 1817.<sup>5</sup>

<sup>1</sup> Niles, Mar. 15, 1817. <sup>2</sup> Md. Laws, 1812, ch. 134. <sup>3</sup> Ibid., 1814, ch. 27.

<sup>4</sup> The lowest denomination issued in Maryland was six and one-fourth cents. Niles, Apr. 11, 1818.

<sup>5</sup> The law of 1814, ch. 27, was limited to Nov. 20, 1815; it was continued in force by the law of 1815, ch. 220, to Nov. 20, 1816, and to Nov. 20, 1817, by law of 1816, ch. 267.

It is impossible to find out the rates of dividends declared by the banks during the suspension, but the quotations of stock are a good indication of its profit. The following table gives the quotations for Baltimore bank stock for September 2, 1815.<sup>1</sup>

BANK.	PAID IN PER SHARE.	SELLING PRICE.	ADVANCE PER CENT.
Maryland . . . . .	\$300	\$360	20
Baltimore . . . . .	300	350	16.66
Union . . . . .	50	63	26
Mechanics' . . . . .	15	22.50	50
Franklin . . . . .	17.50	23.50	34.39
Commercial and Farmers'	25	34	36
Marine . . . . .	25	30	20
City . . . . .	15	20	33.33
Farmers' and Merchants'.	45	53	17.33
Average,			28.19

The weakest of the country banks, whose notes were greatly depreciated, continued to pay 8 per cent.

At the time of suspension specie commanded a premium of 10-12 per cent. in Baltimore; in August, 1815, the premium had risen to 12-17 per cent.; by November it was 19-22 per cent. advance; in August, 1816, it was 14-15 per cent. premium; after this the premium rapidly declined.

Maryland bank notes fell to 5-10 per cent. below par immediately after the suspension. As soon as peace had been declared in 1815, they recovered and rose to 2-5 per cent. discount, and soon stood at par in Maryland. By August, 1815, they were at par at home, and at  $2\frac{1}{2}$  per cent. discount in Philadelphia and Richmond. In November they were at 3 per cent. discount in Philadelphia and 19-20 in Boston.<sup>2</sup> Nearly all Maryland notes circulated at par or small discount in Maryland after the first months of 1815. The mass of

<sup>1</sup> Niles, Sept. 2, 1815.

<sup>2</sup> Niles, Sept. 2, 1815.



paper from other States rendered the situation inconvenient and confusing. The notes of each foreign bank had their rates of exchange, varying from time to time, and with the distance of the place of issue. The ignorance of the condition of many distant banks and of the value of their notes, gave rise to another expense upon the public, the note broker. Their service was the purchase and exchange of the unknown and useless notes which were in circulation, but the cost of this service was an exorbitant one. The character of the men who entered this pursuit was usually such that the evil possibilities of this office were carefully developed. Endeavor was made to crush them out of existence by expensive licenses. In 1819 Maryland passed a law fixing the license at \$500 per annum,<sup>1</sup> and requiring bond to the amount of \$20,000 and an oath to act without fraud and collusion. However, their service was a real one, and without them troubles increased, so that a milder law was soon substituted.

#### 4. *Crisis of 1818.*

The Bank of the United States, immediately after its charter, began to discount freely in order to relieve the pressure upon the State banks. Within eight months after the resumption the discounts of the bank reached \$33,000,000. The Baltimore branch discounted very freely, and at this place alone the discounts were more than \$8,000,000. An inflation was produced which unchartered companies did much to increase. The exact amount of influence upon the inflation from unchartered banks cannot be estimated. The usual widely speculative tendencies which accompany an inflation of the currency were present.

The condition of the Bank of the United States became a matter of great concern, and it was feared that the reckless administration of the branch at Baltimore would bring it into further peril. Its notes in circulation amounted to \$8,000,000; its specie was low, never more than one-eleventh

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<sup>1</sup> Md. Laws, 1818, ch. 210.

of its cash liabilities. Under these circumstances a policy of restriction was decided upon July 10, 1818. Before January, 1820, the discounts of the bank had been reduced \$10,000,000. The State banks necessarily followed its lead. The Baltimore city banks did not extend their circulation to any considerable degree during the later months of 1817 and the first half of 1818. The restriction which had been begun before the resumption of specie payments was continued during the time of the inflation. The large discounts of the Baltimore branch bank rendered this the easier. During the year 1817 the circulation of the Baltimore banks was reduced from \$2,727,000 to \$1,742,000, or about 40 per cent.

The report became widely spread early in 1818 that the Baltimore banks were in a critical condition, and that a suspension of specie payments was imminent. The report probably originated in some knowledge of the losses which Baltimore banks were then undergoing,<sup>1</sup> though the full extent of these losses was not yet apprehended. During the year 1817 the cash liabilities had been diminished from \$4,835,000 to \$3,440,000. The banks regarded themselves as sound.<sup>2</sup> The wide extension of discounts at the Baltimore branch bank had likely created the impression that all Baltimore banks had out much paper. In fact, there seems to have been little danger of a suspension. The condition of some of the country banks was very different. Most of them were solvent, but at least three had practically never redeemed their notes in specie since 1814. The weakest ones were the Elkton, Somerset, Somerset and Worcester, Cumberland, and Susquehanna Bank and Bridge Company.

The irregularities in the administration of the Baltimore branch bank were upon discovery immediately examined into, and the amount of its discounts was decidedly lessened. Baltimore State banks continued their restriction more gradually throughout 1818, 1819, 1820 and 1821. For the items of their cash liabilities, see Appendix, p. 139.

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<sup>1</sup> See pp. 60 and 67.

<sup>2</sup> Niles, Dec. 27, 1817.

The drain upon the banks for specie, caused by the more active demand for it North, impelled them to a policy of restriction. The brokers were always very sensitive to any slight advantage to be gotten by an exchange at the bank of notes for specie. Throughout 1818 notes were returning to the banks for redemption and their specie was being drawn out for sale at an advance. To prevent a decrease of the specie reserves, the Legislature early in 1819 attempted to control the natural rates of exchange. It was made unlawful to buy or sell gold or silver coined for a greater sum in notes than the nominal value of such notes. The penalty for violation was forfeiture of double the sum of gold or silver bought or sold, or imprisonment not exceeding one year.<sup>1</sup> Importers of specie were excepted from the action of this provision. These regulations, so far as they referred to the sale of foreign gold and silver coin, were repealed in 1823.<sup>2</sup> The law was, of course, unable to control such transactions; its natural effect was to add to the price compensation for the risk incurred.<sup>3</sup>

The continued contraction of Baltimore State banks and of the United States branch bank, the latter a more extensive and rapid one, produced a very severe effect upon Maryland industry. Debts contracted during the inflation of 1817 and 1818 became payable after the currency had been reduced. The result was that property everywhere was sacrificed to pay for the speculation and extravagance of the previous years. Bankruptcies were common, and for immense amounts. The *Federal Gazette* of October 18, 1819, has six columns of applicants for benefit of the insolvent laws; Niles for May 5, 1821, mentions 350 applicants. The low price of grain added to the troubles of the agriculturists. By 1822 liquidation had taken place, and the financial condition of the State was much improved.

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<sup>1</sup> Md. Laws, 1818, ch. 191.

<sup>2</sup> Ibid., 1823, ch. 147.

<sup>3</sup> Niles, July 24, 1819.

5. *Condition of the Banks after the Crises of 1814 and 1818.*

The crucial period of 1814-20 resulted in great loss to Maryland banks and effected a reduction of banking capital both by the enforced insolvency of some and by a diminution of the capital of others. The losses of nine country banks and of one city bank resulted in insolvency; other Baltimore banks were compelled to reduce their capital stock.

The weaker organization of the country banks, as compared with the city banks, has already been mentioned.<sup>1</sup> This fact, together with the locking up of their resources in real estate, due to the low price of grain and consequent agricultural depression which compelled the banks to take securities in payment of money loaned, kept the majority of the country banks from a permanent resumption of specie payments in February, 1817. Most of them resumed temporarily, but were unable to stand the strain. They had issued proportionally more than the city banks. Of the \$5,615,000, the total circulation of Maryland banks in 1816, at least one-third belonged to the country banks, whereas their paid-up capital was less than one-fourth of the total capital. At the same time they were unable to convert their resources into a ready form. The result was that they were in a state of chronic suspension from 1814 to 1820. Throughout 1817-20 their notes were much below par, ranging in discount from 10 to 90 per cent., so that even brokers refused to buy them.

In February, 1819, steps were taken to compel these banks to pay specie or forfeit their charters, by the passage of an act<sup>2</sup> which provided that persons obtaining judgment for debt against banks might demand interest at 6 per cent. per annum from the time when payment was requested. Upon refusal or neglect to pay in specie, any county court might order to be issued a *scire facias* to show cause why its charter should not be declared forfeited. The court, after investi-

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<sup>1</sup> Cf. p. 70.

<sup>2</sup> Md. Laws, 1818, ch. 177.

gation, might declare the charter forfeited, and might appoint three commissioners to settle up the affairs of the bank. The interests of other creditors were to take precedence of those of stockholders. Notes of the bank were receivable by the bank for debt at their nominal value. The commissioners were allowed a commission not exceeding 5 per cent. Banks which had paid specie for their notes from May to October preceding the passage of the act, were exempted from its force until January, 1820. Early in 1820 the act was suspended until the beginning of the year 1821.<sup>1</sup>

The suspension of the act protracted for a year the existence of the weak banks. At the end of 1820 eight of the thirteen country banks signified to the Legislature their intention of closing, and asked release from the school-fund tax. This was granted, but the banks were forbidden to make any new discounts, and dividends could be made only after all the debts were paid.<sup>2</sup> In most cases the directors closed up the business, though three commissioners were appointed by the Legislature for the Cumberland Bank of Allegany at its request.<sup>3</sup> A list of these banks, with their dates of incorporation and their paid-up capital, is here given:

BANKS.	ESTABLISHED.	CAPITAL.
Elkton . . . . .	1810	\$110,000
Conococheague . . . . .	1813	157,500
Cumberland . . . . .	1811	107,862
Somerset and Worcester . . . . .	1811	90,000
Somerset . . . . .	1813	195,850
Caroline . . . . .	1813	103,057
Havre-de-Grace . . . . .	1814	132,540
Planters' Bank of Prince George's Co.	1817	86,290
		Total, \$982,622

<sup>1</sup> Md. Laws, 1819, ch. 154.

<sup>2</sup> Ibid., 1829, ch. 170. Ibid., 1820, chs. 102, 97, 116, 190 and 189. Ibid., 1824, ch. 163. Ibid., 1819, ch. 142.

<sup>3</sup> Ibid., 1823, ch. 144.



It is very difficult, at this time, to obtain any exact information of the particular circumstances attending each of these failures. The banks made no annual reports to the State Treasurer, and, at that time, newspapers were not generally established in the counties. We cannot estimate the loss from the failure of these banks. The liability of the stockholders for the amount of their shares most likely availed little, since a large part of the stock had been paid in stock notes, which, in case of failure, were liquidated by the return of the certificates of stock. Thus all loss above, perhaps, the first instalment of capital which was required to be paid in specie or the notes of specie-paying banks, was thrown upon the noteholders and depositors. The acceptance of stock of a bank in payment of debts due to it, was legalized for the Bank of Caroline,<sup>1</sup> and for the Planters' Bank of Prince George's County.<sup>2</sup> The certificates of deposit of any bank were also made a lawful tender to that bank for debt.<sup>3</sup>

The resources seem to have been of little value in most cases, so that it is probable that considerable stock was lost. The Bank of Caroline sold its debts to the highest bidder.<sup>4</sup> On the other hand, the Havre-de-Grace Bank closed up creditably. It laid aside a fund to meet outstanding notes<sup>5</sup> and established an agency in Baltimore, the Franklin Bank, for this purpose.<sup>6</sup> Generally noteholders suffered much in disposing of their notes at a sacrifice in haste to realize upon them immediately after failure was openly acknowledged.

The failure of the Elkton Bank was charged to a disaster in the flour trade of that town, with which the bank was closely connected. The bank had been very weak for several years, and had ceased to declare dividends. Though practically insolvent before, it failed utterly in 1822; yet it did not close entirely until 1830, when the Legislature pro-

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<sup>1</sup> Md. Laws, 1824, ch. 163.      <sup>2</sup> *Ibid.*, 1831, ch. 176.

<sup>3</sup> *Ibid.*, 1824, ch. 199.

<sup>4</sup> *Ibid.*, 1824, ch. 163. Niles, Aug. 26, 1820.

<sup>5</sup> Md. Laws, 1825, ch. 151.      <sup>6</sup> Niles, Nov. 15, 1823.

vided for its closing on the same terms as the other banks, and allowed it ten years to effect this.<sup>1</sup>

The Planters' Bank of Prince George's County after a time resumed business. In August, 1829, it again failed. The deficiency in assets in this case amounted to \$16,000, which was charged to embezzlement by the cashier. Its notes, of which there were then \$15,000 in circulation, were at 30-40 per cent. discount. Its stock was quoted at 20 per cent. discount.<sup>2</sup>

During the period 1814-20 the Baltimore banks were also undergoing severe losses. The traceable causes of this are found to be maladministration, bad practice and poor investments, operating singly or together. The Mechanics' and City Banks lost heavily from maladministration. The effect of the practice of granting renewals of notes from time to time without proper consideration of the changes in the financial ability of the endorsers will be noticed in the next section.<sup>3</sup> The banks generally were considerably affected by losses through this practice. The Union Bank perhaps lost most heavily in this manner; in fact, its directors decided to alter its policy and reduce its personal notes and increase those granted upon real security, and this plan was followed from 1820 to 1830.<sup>4</sup>

The third cause was general in its effects, and it inflicted loss proportionately on all who were compelled by the law of 1813, chapter 122, and subsequent laws, to subscribe to the various improvement schemes. As far as we have been able to estimate these subscriptions, they amounted to over \$1,500,000. The cost of building the roads was always much greater than the computation. They were in no sense a good investment for the banks. The best of these stocks paid no dividends at all for a number of years, and then perhaps they paid 2 or 3 per cent. per annum, seldom more;

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<sup>1</sup> Johnston, *Hist. Cecil County*, p. 405. Md. Laws, 1834, ch. 288.

<sup>2</sup> Niles, Aug. 29, 1829. *Ibid.*, Mar. 20, 1830.

<sup>3</sup> See p. 67.

<sup>4</sup> Report of Union Bank to Stockholders, 1830.

after a few years they ceased to pay at all. This is the history of nearly all of these improvement companies in Maryland.<sup>1</sup>

The only failure which occurred in Baltimore at this time was that of the City Bank, which failed in 1819. Some account of its affairs will illustrate the extreme form of reckless banking.<sup>2</sup> The cashier had entire control of the concern, and ran it according to his own ideas. The causes of loss were mainly negligence and embezzlement. Many accounts, especially the largest ones, were not posted up; nearly every one was incorrectly kept; in some cases no account at all was on the books. Individual accounts amounting to hundreds of thousands of dollars were not settled for three or more years in some cases. Under such careless supervision embezzlement was easy. All the officers and clerks (except one) had received large discounts; the directors also received discounts without proper security.<sup>3</sup> The overdrafts amounted to \$426,000.

The immediate occasion of the failure was a call upon it by the branch of the United States Bank at Baltimore,

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<sup>1</sup> Let us examine briefly a single example. The Cumberland turnpike road was the most important and most promising of these undertakings. Between 1816 and 1822 the banks were required to pay their subscriptions to it, amounting to more than \$1,000,000, or 56,000 shares at twenty dollars the share. After several years without a dividend, in 1830 it was paying three per cent.; that is, its value capitalized at six per cent., the usual rate got by the banks, was \$500,000. In 1841 the rate of dividend had declined; the capitalized value was \$333,333. The market price of shares whose par was twenty dollars, was two and one-quarter dollars; the total market value was \$126,000. (Report of Union Bank to Stockholders, 1830.) In other words, within a period of twenty years the million dollars of stock was almost an entire loss. When we consider that the actual capital of the banks which subscribed was about \$8,000,000, we immediately see what an enormous part of their capital was unproductive and ultimately a loss. Cf. p. 90.

<sup>2</sup> Report to Stockholders of City Bank of Baltimore, Oct. 20, 1819. Niles, Oct. 30, 1819.

<sup>3</sup> Niles, June 5, 1819.

which it could not meet. A run upon it was the result. It extended to other banks, but all resisted it ably except the City Bank, which could only pay its notes under five dollars in denomination in specie.

STATEMENT OF THE CONDITION OF THE CITY BANK OF  
BALTIMORE, OCTOBER 18, 1819.

ASSETS:

Bills discounted:—

Well secured . . . . .	\$571,065.21	
Doubtful . . . . .	28,180.89	
Insolvent . . . . .	43,792.50	
	<hr/>	\$643,038.60

Real estate . . . . .		37,000.00
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Cumberland Road stock . . . .	\$39,569.41	
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Baltimore Exchange Building . .	10,000.00	
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	<hr/>	49,569.41
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Cash, specie . . . . .	\$3,061.62	
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Notes of Baltimore banks . . . .	4,475.00	
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Notes of insolvent banks . . . .	1,915.87	
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	<hr/>	9,452.49
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Due from banks (supposed) . . .		4,079.84
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Overdrawings . . . . .		426,083.78
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Fifty-nine persons in the list, all  
but eleven for less than \$1000;  
most of them for less than \$100.

Cashier . . . . .	\$166,548.85	
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His friend . . . . .	185,382.00	
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Clerk . . . . .	30,000.00	
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“ . . . . .	15,082.10	
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“ . . . . .	6,324.99	
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	<hr/>	Total, \$1,181,324.12
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## LIABILITIES.

Capital . . . . .		\$832,030.00
Notes . . . . .		70,020.00
Certificates for notes deposited . . . . .		117,824.03
Small notes in circulation . . . . .	\$7,000 to	10,000.00
Due to banks . . . . .		119,429.67
To U. S. branch . . . . .	\$87,634.00	
To Baltimore banks . . . . .	24,000.00	
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Unclaimed dividends . . . . .		5,276.80
Deposits . . . . .		17,409.53
Sundry small accounts . . . . .		350.00
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		\$1,172,340.03

In the \$571,065.21 of discounts considered well secured, \$250,000 or \$300,000 is included which at the time of failure was overdrafts of directors or others. One account amounted to \$97,000. These were arranged for before the statement to the stockholders was made. The committee estimated the value of the assets at \$760,310.08, and the debts due by the bank at \$340,310.08, which left a remainder for capital of \$420,000. The loss of \$400,000 by the stockholders was the greatest one. The notes were ultimately redeemed, though many were sacrificed through alarm immediately after the failure at rates ranging from 10 to 20 per cent. discount.<sup>1</sup> The bank very soon after the failure issued certificates bearing interest at 6 per cent. per annum in satisfaction of its notes deposited.<sup>2</sup> The loss of interest was of considerable amount; over fifteen years were consumed in the settlement; in 1834 it was continued to 1840 to wind up.<sup>3</sup> A part of the stockholders desired to continue the bank, but it was finally decided to close. Effort was made to convict

<sup>1</sup> Niles, July 17, 1819.<sup>2</sup> Ibid., June 26, 1819.<sup>3</sup> Md. Laws, 1834, ch. 93.



and punish the embezzling officers, but after a protracted contest it was decided by the court that the action of the defrauders was not punishable.<sup>1</sup>

None of the other banks of Baltimore were driven by their losses to suspension. However, very considerable reductions of capital occurred. The Mechanics' Bank was compelled to reduce its capital by two-fifths, from \$1,000,000 to \$600,000.<sup>2</sup> In 1827 it was again almost driven to the verge of insolvency by bad management, but a change of its officers brought it out of trouble.<sup>3</sup> On account of losses the Commercial and Farmers' Bank reduced its stock from \$1,000,000 to \$666,666 $\frac{2}{3}$ , or one-third. The Union Bank reduced its capital one-fourth, from \$3,000,000 to \$2,250,000.<sup>5</sup> These losses were reported to the Legislature in 1819 and permission was asked to continue the payment of dividends without it being regarded as an infringement on the capital.<sup>6</sup> This was granted, and provision was made for re-funding the capital. Money already earned was allowed to be divided, one-half to the stockholders and one-half to meet the contemplated loss. Of future earnings three-fourths might be paid in dividends and one-fourth retained to meet the loss until it was finally made up.<sup>7</sup> The tax for the school fund was adjusted to the reduced capital.<sup>8</sup>

The total loss of banking capital by reduction was more than one-seventh. The State lost as stockholder about \$64,000, and besides other stock became unproductive.<sup>9</sup> In addition to these losses there were doubtless others of considerable extent which did not become public, and which were made up from profits instead of a reduction of capital being made. Of these we can form no estimate.

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<sup>1</sup> Niles, Apr. 21 and Dec. 29, 1821.

<sup>2</sup> Md. Laws, 1821, ch. 167. Griffith's *Annals of Balto.*, p. 179.

<sup>3</sup> Scharf, *Chronicles of Baltimore*, p. 574. <sup>4</sup> Md. Laws, 1823, ch. 68.

<sup>5</sup> *Ibid.*, 1821, ch. 166. Griffith, *Annals of Balto.*, p. 179. Report of Union Bank to Stockholders, 1830. <sup>6</sup> Md. Laws, 1819, ch. 121.

<sup>7</sup> *Ibid.*, 1819, ch. 141.

<sup>8</sup> *Ibid.*, 1826, ch. 215.

<sup>9</sup> Griffith, *Annals of Balto.*, p. 251. *Journal of House of Delegates*, 1828 and 1829.

Summarizing the results, we see that after the critical period of 1814-20, almost one-half (nine out of twenty-one) of the Maryland banks failed, representing a capital of \$1,821,162, or more than 22 per cent. of the entire active capital. In Maryland and Pennsylvania alone of the Eastern States was the rate so high, though about the same rate prevailed for the country as a whole. For the United States the failures of State banks amounted to \$30,000,000 out of a total of \$140,000,000. The total loss of capital in Maryland by failures and reduction was about \$3,000,000, or one-third of the paid-up banking capital.

This period of trial and discipline was not without its salutary effects. It removed the whole mass of weakly organized country banks which had been only a disturbing element. The agricultural conditions which had called them into existence were now rapidly changing. Instead of the boom of the early years of the century, which Maryland wheat lands experienced, developed by Baltimore commerce, this commerce was stationary, perhaps declining a little, and Baltimore was beginning to take her place as a manufacturing city. This meant a slower development for agriculture.

The ideas of banking, too, were greatly changed. The period of excessive profits was regarded as past, and the banks endeavored by care and economy to make up what they had lost by laxness and speculation. From 1823 to 1830 may be regarded as a period of recuperation, during which the banks were endeavoring to recover from the effects of the preceding decade.

#### *6. Practice of the Banks.*

It was during the expansion of 1810-17 that the practice first became prevalent in Maryland of paying subscriptions to the stock of banks with stock notes. It was charged that this occurred in the case of every bank, except two, which was established in Maryland between 1811 and 1818.<sup>1</sup> These were all country banks, and their organization was looser

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<sup>1</sup> Niles, Feb. 28, 1818.

than that of the city banks. The action of these banks in the crises of 1814 and 1818 indicates their weakness. A part of the capital, usually about one-third, was required by the charters of these banks to be paid in gold or silver or the notes of specie-paying banks, before they could begin business. No manner of State inspection was provided to insure obedience to the law. The payment of the remainder of the stock was left entirely in the charge of the directors. The plan followed was briefly this: Allowing that the first instalment of the capital was, as required, paid in specie or the notes of specie-paying banks, then the subscriber could obtain discounts to the amount of his paid-up stock; with this he could pay his second instalment, and thus on until his entire subscription was paid. If the bank fared well, he enjoyed dividends on the whole amount of his stock; if it failed, he could absolve his indebtedness to it by paying in his certificates of stock. Thus he had all to gain, and was irresponsible for losses.

The bad condition of the country banks from 1816 to 1820 may be ascribed to two chief causes: first, their weak organization; and second, their loans on real estate. Loans had been secured by farmers during the inflation of 1816-17; in 1817 the prices of agricultural products fell, and the farmers were unable to meet their obligations. The banks, entering upon a restrictive policy, were anxious to retire as much paper as possible; renewal of loans was refused and in many cases the borrower became bankrupt. At one time early in 1818, the Somerset Bank had 150 suits at law against individuals for debt. In this way much real estate fell into their hands for which at that time the price was low and ready sale could not be found. With their resources locked up in real estate, they were unable to meet their cash liabilities, and were in almost continual suspension from 1817 to 1820. Their paper was either at a great discount or ceased to circulate altogether.

In all the banks reforms were needed. Directors and officers were still able to use their positions to secure loans

and discounts in extraordinary amounts. The administration of banks at this time was practically controlled by the cashier. The president was largely a nominal officer, and the one elected to it was supposed to devote but a small portion of his time to its duties. A change in this respect began in 1821, when the Union Bank decided that it would be conducive to better management to have a president who would devote to the office all the time required, and who should receive for his services proportionate recompense.<sup>1</sup>

Considerable danger and loss resulted to the banks from their laxity in permitting the renewal of notes. Some of the charters limited discounts upon real security to a certain percentage of the capital, usually one-eighth; in others no limitation is mentioned. Aside from this, it was the custom among the city banks to discount chiefly on personal security. The discounts on personal security were to those on real in the ratio of 9-12 to 1. Two names were uniformly required on each paper, one of which had to be of undoubted credit. The banks were too accommodating in permitting renewals; it was common for paper to run four or five years without change in the endorsement.<sup>2</sup> In a time when financial matters undergo such violent convulsions as between 1814 and 1820, the danger of such a practice cannot be exaggerated. Endorsers who were sound in 1814 were very unsound in 1818. The losses of Baltimore banks on bad paper between 1816 and 1821 were enormous, and most all of the banks were seriously affected in this way.<sup>3</sup>

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<sup>1</sup> Report to Stockholders of Union Bank, 1821.

<sup>2</sup> Report to Stockholders of Union Bank, 1820. Cf., p. 60.

<sup>3</sup> The following example will illustrate this point as well as others of which we have just been speaking, the power of the cashier at this time and the manner in which favorites were accommodated. In a report of the condition of the Union Bank on August 26, 1819, among the resources was listed an item of \$719,238.59, made up as follows:

\$100,000.00	advanced by the Cashier without the knowledge of the Directors.
357,502.39	doubtful paper.
151,293.52	overdrafts ascertained.
110,442.68	deficiency in funds unaccounted for.
<u>\$719,238.59</u>	

Almost the entire amount proved an utter loss. The bank was

The varying rates of depreciation of bank notes opened up to the banks the opportunity of buying up their notes at the lowest possible rates. For this purpose special arrangements were entered into with the note brokers, and it was not unusual for a bank to have out agents for this purpose. After 1818 it became illegal for any one to buy, sell or exchange any Maryland bank notes for a less sum than their nominal value, or to employ for the purpose any broker or agent. The forfeit was in each case double the amount of gold, silver or notes so exchanged.<sup>1</sup> The law was ineffective and simply added a risk charge to the price asked for such notes.<sup>2</sup> The practice was common down to the passage of the National Bank Act.

The action of some of the banks with reference to counterfeits upon their notes was also extremely reprehensible. Instead of announcing to the public the discovery of a counterfeit upon their notes, the more unprincipled banks endeavored to keep the knowledge of it as secret as possible, lest their notes of that denomination might cease to circulate and return to them for redemption. Counterfeiting was rendered easy and successful by the great number of banks, each of which had a different style of note, so that unless one were familiar with the particular characteristics of the notes of each bank the imposition of false notes was easy. The poor quality of paper used and the simple engraving made them easy of imitation and increased the temptation to counterfeit them accordingly. Each newspaper usually contained a list of the counterfeits for the warning of the public. In 1827 the penalty for knowingly passing forged or coun-

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saved for the time being by loans from its friends, amounting to \$567,000 and by passing its dividends. It finally resulted in loss to the stockholders by a reduction of the capital, amounting to \$600,000, or one-fourth of the whole. (Report to the Stockholders of Union Bank for 1820 and 1830. Md. Laws, 1821, ch. 166.)

<sup>1</sup> Md. Laws, 1818, ch. 191.

<sup>2</sup> Niles, July 24, 1819.



terfeit notes was fixed at five to ten years in the penitentiary for the first offence, and ten to twenty years for the second.<sup>1</sup>

The Baltimore banks were driven to stop receiving on deposit depreciated bank notes. They were not allowed by law to receive them at less than their nominal value, while the risk of the solvency of the issuers and the trouble and expense of collecting and sending them home for redemption fell upon the banks. Demand for specie, too, was in many cases the cause of unpleasant relations. The notes, not only of Virginia, Pennsylvania, District of Columbia and other distant points, but also of some Maryland country banks and those of the United States Bank, if payable at distant points, were refused. This action tended naturally to increase the discount upon such notes, and to retard their circulation; the only recourse was to place them in brokers' hands. The banks suffered materially by refusing them.

To secure a freer circulation of their notes, the country banks of Maryland contemplated the establishment of a joint bank just outside of Baltimore. On January 27, 1816, they were successful in procuring a charter under the title of the Consolidated Bank.<sup>2</sup> The capital, \$500,000, in shares of \$100 each, payable in Baltimore bank notes, was to be apportioned to the banks of Maryland located outside of Baltimore; the directors were to be appointed by the banks. The capitals of the banks subscribing were to be reduced in proportion as they subscribed for stock in the new bank. The charter was to be made null if the Baltimore banks agreed to receive the notes of outside banks on deposit and to reissue them. The project never materialized. Not until June, 1823, did the banks of Baltimore begin again the receipt of all Maryland bank notes on the same terms as their own, and at the same time Pennsylvania and Virginia notes were received on deposit.<sup>3</sup> While the organization is different, this is in principle an anticipation of the Suffolk bank system.

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<sup>1</sup> Md. Laws, 1827, ch. 62.

<sup>2</sup> *Ibid.*, 1815, ch. 169.

<sup>3</sup> Niles, June 28, 1823. *Ibid.*, Aug. 23, 1823.

The wider credit of all would have been substituted for the individual credit by the central redemption.

*7. Miscellaneous Legislation.*

It has been said that the charters of the country banks established between 1810 and 1818 were of less strict nature than the earlier ones. Some of these points of difference will now be mentioned. Usually one-third to one-fourth of the first instalment only of the capital was required to be paid in specie; the amount of the first instalment varied from one-third to one-half of the capital. The payment of subsequent instalments was left entirely with the directors, and thus an opportunity was offered for the use of stock notes.<sup>1</sup> In one case, that of the Centreville Bank, to avoid this the charter required the whole capital to be paid in specie.

The State became a subscriber to the stock of two of these country banks, viz., the Elkton and Hagerstown Banks, but usually the provision was made that whenever the State desired to take stock it might increase the capital of the banks and subscribe. Until subscription was made the State appointed no directors, and usually required no annual reports, since it was only as stockholder that it exercised this supervision. Only five of these country banks were required to send reports of their condition to a State officer. However, by a resolution of the General Assembly, passed in 1818,<sup>2</sup> all the banks within the State were required to transmit an annual report in December to the Assembly.<sup>3</sup> The points to be specified in the report were the same as those described heretofore in the charter of the Bank of Baltimore.<sup>4</sup>

In some cases even the nominal limit of debts to twice the amount of capital paid in was omitted, and no limit at all was imposed.<sup>5</sup> These were allowed to discount on property security up to one-fifth to one-eighth of their actual capital. The Mechanics' Bank of Baltimore allowed discounts on the

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<sup>1</sup> Cf., p. 27.

<sup>2</sup> Resolution 18.

<sup>3</sup> Cf. *ibid.*, 47, 1819.

<sup>4</sup> See p. 28.

<sup>5</sup> Cf. Md. Laws, 1813, ch. 33.

security of stock up to three-fourths of the stock paid in. As a consequence of their discounting largely to farmers upon real security, the discount term was increased. Only two were limited to sixty-day discounts; for one the limit was four months, for nine it was six months, for two there was no limit.

Directors were forbidden by most all of the charters to receive discounts on different terms from others. The usual limit of discounts to directors was \$1000 in one week, or a total of \$5000 in all. The president and directors were eligible for reelection without limit in the bank of Somerset and Worcester. In the five charters which were granted in 1817 and 1818 suspension of specie payments rendered the charter void. The insertion of this provision was a result of the continued suspension of Maryland country banks after the general resumption of February, 1816. Six per cent. was fixed as the legal rate of interest and discount, and usury was forbidden; however, interest calculated according to Rowlett's Tables was made valid.<sup>1</sup>

The issue of small notes was uniformly prohibited by the charters, but this became a matter of special legislation. In 1821 a general law<sup>2</sup> was passed on this subject, called forth by the violations of charter provisions and previous legislation, which made it unlawful, under penalty of \$20 fine, for any bank to issue or pay out notes or bills of a less denomination than \$5, or of a denomination intermediate between \$5 and \$10. Persons passing such notes of any incorporated or unincorporated company were liable to a fine of \$5 for each offence. This law was the result of a genuine effort on the part of the banks and people to regenerate the currency and get rid of the small "rags." Early in 1820 the banks were freely supplying specie dollars in place of the small notes, but the silver was immediately displaced by notes from the District of Columbia.<sup>3</sup> Finally in September, 1820, the

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<sup>1</sup> Md. Laws, 1826, ch. 99. Ibid., 1832, ch. 152.

<sup>2</sup> Ibid., 1820, ch. 150.

<sup>3</sup> Niles, Jan. 6, 1820.

banks decided to receive for five days all notes under \$5, and thereafter neither to reissue them nor issue new ones,<sup>1</sup> and the townspeople in a general meeting agreed to assist in improving the currency by not circulating such notes.<sup>2</sup>

"An act to impose a tax on all banks or branches thereof in the State of Maryland not chartered by the Legislature" was passed in 1818.<sup>3</sup> It enacted that any bank establishing an office or branch in the State without first obtaining the State's authority, should not issue notes except upon stamped paper procured from a State officer and of the denominations \$5, \$10, \$20, \$50, \$100, \$500 and \$1000, on which a tax of 10, 20, 30 and 50 cents, \$1, \$10 and \$20, respectively, was imposed. \$15,000 annually might be paid in lieu of the above tax. \$500 was the penalty for establishing such an office, and \$100 was the penalty for circulating notes of such banks unstamped. The direct object of this law was the taxation of the branch of the Bank of the United States located at Baltimore. The law was urged both on general grounds of hostility to the bank and on account of opposition to it by the State banks, who feared its competition and restraining influence; besides, the opinion was general that an outside bank should not be permitted to enter the State on more favorable terms than the State banks. The law was declared unconstitutional by the Supreme Court of the United States in 1819 in the familiar case of *McCulloch vs. Maryland*, on the ground that it interfered with the execution of one of the implied powers of the government.

Several restrictive measures were the outcome of the speculative character of banking from 1814 to 1820. The use of proxies in voting was manipulated to the advantage of ring or machine management, and fraudulent proxies were used. The correction of this abuse was aimed at in the law of 1819, chapter 134, which forbade the use of proxies to all except the infirm and those living more than ten miles

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<sup>1</sup> Niles, Sept. 9, 1820.

<sup>2</sup> *Ibid.*, Sept. 30, 1820.

<sup>3</sup> Md. Laws, 1817, ch. 156.

away. No officer, clerk or director could act as proxy, and in any case power of attorney was necessary. Judges of election permitting violation of these provisions were liable to \$2000 fine and imprisonment for a year.

Directors were not entitled to receive any accommodations on special terms, and no one could be elected director of a bank whose partner was a director of the same bank.<sup>1</sup> This law was restricted to Baltimore banks, and the assent of the stockholders was necessary to give it force. This it received.

The frauds which were exposed in the management of the City, Union and Mechanics' Banks and the escape of the parties from punishment, led to severe laws on this subject. The law of 1819, chapter 145, fixed the penalty for embezzlement by a bank officer at one to seven years in the penitentiary; for fraudulent abuse of trust the punishment was one to ten years in the penitentiary. In 1821 the penalty in each of these cases was made five to fifteen years in the penitentiary.

#### 8. *Crises of 1825 and 1828.*

After 1820 there came a reaction from the period of speculation which had preceded. The weak banks passed out of existence; the survivors enjoyed a long period of prosperity without violent disturbance. By 1830 they had recovered from the losses of 1816-21. The United States Bank exercised a controlling influence over them and rendered their operations more guarded and regular. The State banks followed more slowly the restrictions and expansions of the national bank. In Maryland there was not a time in the decade 1820-30 at which the banks had dangerously expanded. (See Appendix, page 137, for the circulation and deposits of Baltimore banks for this period.) It is impossible at present to obtain the figures for the country banks; however, they represent but a small part of the banking capital at this time, since all had gone out of existence except four.

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<sup>1</sup> Cf. Md. Laws, 1819, ch. 156.



The panic of 1825 was the result of a general spirit of speculation, which reached its greatest magnitude in Europe; in America its special feature was speculation in cotton. An increased tariff also heightened the expectation of prosperity. Demand for credit stimulated the creation of banks again, especially in New England, New York, Pennsylvania and the West. The currency became considerably inflated. Maryland was comparatively affected but little, since the speculation in cotton in this district was not great. Her banking institutions did not receive a single addition. The circulation of the Baltimore banks was increased but \$240,000 during 1824, the year of inflation. Within the next six months there was added about \$150,000, but nothing extreme occurred.

When the reaction began, about September, 1825, by the fall in the price of cotton and other products, general distress prevailed. Many failures occurred all over the Union, but Maryland suffered proportionally less than any other State. The circulation was uniform and adequate to its work.<sup>1</sup> The contraction by the State banks was not sufficiently rapid to produce disaster; in fact, the discounts of Baltimore banks was greater in January, 1826, than for a number of years preceding, reaching \$3,047,410. By January, 1827, the amount had been diminished by \$70,000 by curtailing issues. The entire circulation of Maryland banks was in good credit; none of it was at a discount. This was largely the effect of the frequent settlements required by the United States Bank. A considerable part of the circulation was coin; very few notes under \$5 in denomination were current, and these were chiefly Virginia bank notes.<sup>2</sup>

The disturbance of 1828 was largely resultant from an extension of circulation by the Bank of the United States. By April, 1828, the money market had become very close, and much specie was being exported. The banks of Maryland had already been compelled to begin a reduction of dis-

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<sup>1</sup> Niles, Dec. 3, 1825.

<sup>2</sup> Niles, Nov. 19, 1825.

counts. At the same time they ceased to receive on deposit or for the payment of notes, the bills of all banks which were not received in Philadelphia and New York. The quantity of specie at the command of the country banks was so limited that already the redemption of their notes was in many cases a task. The Baltimore banks relieved the stringency as far as lay in their power. In January, 1828, the circulation and deposits amounted to \$2,996,350; by January, 1829, they had increased to \$3,055,980. The periods of greatest depression were May, 1828, and September, 1828, to July, 1829. By the end of 1829 business had revived and money seemed plentiful; a large part of it was silver.<sup>1</sup>

9. *Expansion of 1829-36.*

Several causes were operative in producing the expansion of banking in Maryland which occurred from 1829 to 1836. In the first place, the counties which had been gradually progressing during the decade 1820-30 had been practically without banking facilities since the wholesale fall of the country banks in 1819-21. This field was now a ripe one for entrance. Secondly, no new banks had been established in Baltimore since 1812; the monopoly of banking in that city had been conferred on the banks then existing in return for their agreement to build a road from Baltimore to Cumberland.<sup>2</sup> This monopoly expired in 1835. During this period of twenty-three years Baltimore manufactures had developed steadily, and in 1835 works were in construction or contemplation destined to make Baltimore the mart for a wide extent of territory. In 1825 the Chesapeake and Ohio Canal was chartered; the Chesapeake and Delaware Canal was entered upon in 1829. A charter was given to the Baltimore and Ohio Railroad in 1826, and to the Susquehanna in 1829; the Philadelphia, Wilmington and Baltimore line was opened for travel in 1837. Other lines were being discussed. The improvement in transportation was opening up new industrial possibilities, and Baltimore was zealous to

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<sup>1</sup> Niles, 1828 and 1829. See table next page.

<sup>2</sup> See p. 46.

## Statement of the Condition of Maryland Banks, January, 1830.

RESOURCES.		BALTIMORE.	UNION.	MECHANICS.	MARINE.	FRANKLIN.	COM. & FARM.	FARM. & MER.	HAG'RTOWN.
Discounts . . . . .		\$1,573,737	\$1,958,818	\$597,577	\$297,100	\$636,682	\$598,386	\$526,471	\$438,499
Specie . . . . .		262,409	188,996*	72,740	59,750	59,506	95,663	31,848	40,138
Due from banks . . . . .		140,746		85,531*	26,712	167,926*	91,946	65,327*	59,953
Real estate . . . . .		42,973	239,985	50,620	29,000	45,189		26,575	23,346
Road and other stocks . . . . .		99,146	459,245	61,808	18,460	95,584	98,466	87,475	20,735
Suspense account . . . . .							58,952		
LIABILITIES.									
Capital . . . . .		\$1,199,359	\$1,736,625	\$384,000	\$235,000	\$415,000	\$416,866	\$465,000	\$250,000
Circulation . . . . .		226,316	22,771	212,478	68,269	217,144	244,937	110,232	216,275
Deposits . . . . .		424,578	255,994	187,978	82,643	236,337	137,311	149,025	87,271
Due to banks . . . . .		149,308	11,817	77,717	29,168	90,794	55,773		15,989
Surplus . . . . .		84,868					24,080		2,841
Other liabilities . . . . .		25,585	619,837	6,104	6,942	12,530	50,001		
							38,959	13,439	

\* Includes notes of specie-paying banks.

render effective her strong natural position. In 1830 the cry for more banking capital had already become a strong one.<sup>1</sup> The whole State was dependent for bank accommodations upon twelve banks, of which eight were in Baltimore. The total capital for the State was \$5,455,000, exclusive of \$1,500,000 to \$2,000,000 employed by the branch of the United States Bank. The counties needed the introduction of facilities at the more advanced points, and the city needed an increased banking capital.

A third cause which was influential in the increase of banks at this time was the termination of the Second Bank of the United States. The end of this institution at the expiring of its charter in 1836 was anticipated as early as 1830. In 1832 President Jackson, by his veto, put at rest all hopes of recharter. As in 1810, so again in 1832, this was the signal for hosts of applications for new banking charters.

In Maryland the expansion took the forms both of an increase in the number of institutions and also of an augmentation of the capital of several of the old banks. The former movement was much the greater. No banks were chartered in Maryland from 1818 to 1829. Between 1829 and 1836 seventeen new ones were granted charters and two old ones which had failed in 1821 were revived. Five of the seventeen, however, did not organize and open for business. Nine of the new banks were chartered for Baltimore in 1835; ten were distributed over seven counties. None were created in Baltimore after 1835 for more than a decade, owing to the renewal of the monopoly to the banks then existing until 1845 upon their agreement to make the Boonsboro road.<sup>2</sup>

The total authorized capital of the new banks was \$17,900,000, though the banks which did not enter upon operations reduced this by \$10,750,000. The actual increase of capital was \$4,878,900, or half as much as the preëxisting

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<sup>1</sup> Report of Select Committee on a Bank of the State of Maryland, 1830. Report of Committee of Ways and Means on a Bank of the State of Maryland, 1833.

<sup>2</sup> See p. 47.

capital; \$3,788,730 of this new capital belonged to the five new Baltimore banks.

A list of these banks, with their nominal capital, follows:

NAME.	LOCATION.	ESTAB'D.	CAPITAL.
Salisbury,	Salisbury,	1829	\$ 50,000
Washington Co.,	Williamsport,	1831	250,000
Commercial,	Millington,	1831	100,000
Cumberland,*	Cumberland,	1832	200,000
Planters' Bank of Prince Geo.'s Co.,*	St. Mary's,	1832	200,000
Patapsco,	Ellicott's Mills,	1833	300-150,000
Merchants',	Baltimore,	1835	2,000,000
Western,	Baltimore,	1835	500,000
Commercial,†	Baltimore,	1835	3,000,000
Eastern,†	Baltimore,	1835	500-250,000
Chesapeake,	Baltimore,	1835	1,000-500,000
Mineral,	Cumberland,	1835	250,000
Citizens',	Baltimore,	1835	500,000
Farmers' and Plan- ters',	Baltimore,	1835	2,000,000
Real Estate,†	Baltimore,	1835	5,000,000
Farmers' and Millers',	Hagerstown,	1835	300,000
Hamilton,	Anne Arundel,	1835	150,000
Real Estate,†	Frederick,	1835	2,000,000
Union,†	Cumberland,	1836	500,000

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Total, \$17,900,000

\* Revived.

† Did not open for business.

The strict conditions imposed upon some of the new banks prevented their organization. The capital of the Commercial Bank was fixed at \$3,000,000, to which the State might add \$100,000 whenever it wished to subscribe to its stock. The bank was allowed to invest \$300,000 in ocean steamships trading with Baltimore. Baltimore was to be the location of the main bank, and two offices of discount and de-



posit were to be opened on the Eastern Shore and three on the Western. \$600,000 in specie was required to be on hand at the beginning of business, and besides the regular school tax, a bonus of \$112,500 was required.<sup>1</sup>

The Eastern Bank of Baltimore had already been in operation as the Fell's Point Savings Institution. It was given full banking privileges on condition that when the change was effected it should have on hand in specie \$125,000, half its nominal capital, and should become subject to the school tax, besides paying the State a bonus of \$9775 and an additional bonus of \$3.75 per \$100 of capital over \$250,000. Likewise for the Union Bank of Allegany the specie requirement was large, and besides the regular school tax, a bonus of \$3.75 per \$100 of nominal capital was required.

The two real estate banks, located in Baltimore and Frederick, respectively, were a manifestation in Maryland of the same movement which was gaining ground rapidly at this time in the West. The plans of the two banks were similar. The capital of the Real Estate Bank of Baltimore was \$5,000,000, consisting of real estate in Baltimore, conveyed to the bank, to the amount of \$4,000,000, and \$1,000,000 in money. Only fee simple and unencumbered estates of lessees for ninety-nine years, renewable forever, were received. The bank was to borrow \$4,000,000 by a sale of bonds bearing interest at 6 per cent. or less. Each one conveying land to the corporation held stock to the amount of its value, but was responsible for depreciation of the land. The Governor of the State had power to appoint five persons to inspect it after the lapse of three years. A bonus of \$3.75 on each \$100 of its capital up to \$4,000,000 was required by the State. \$400,000 in specie had to be in its possession before it could begin business. The charter of the Real Estate Bank of Frederick County was similar to the one just described. Its capital was \$2,000,000, of which \$1,800,000 was to be in Frederick County real estate and \$200,000 in money. Bonds

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<sup>1</sup> Md. Laws, 1835, ch. 289.

for \$1,500,000 were to be issued. The strict requirements, together with their experimental character, prevented their organization.<sup>1</sup>

The restraint exercised by the Legislature was sufficient to allow banks to be organized only where there was an economic demand for them. A number of applications for charters was refused, and the strictness of those granted prevented their acceptance by speculators. Several of the companies granted charters were compelled to ask for an extension of the time allowed them for organization, which indicated the difficulty of complying with the conditions.

The new charters were more rigorous in the following respects: The quantity of specie required to be on hand on opening for business varied in different cases from the entire authorized capital to one-fourth of it, and before the bank could open for operations the Treasurer of the Western Shore must have made examination and seen that this amount of specie was in the hands of the bank. It was prohibited, too, to pay instalments of stock with discounts obtained by pledge of such stock. Forfeiture of charter on failure to pay their liabilities in specie on demand was a provision of these charters, and interest at 12 per cent. per annum was demandable from the time when payment was demanded and refused. In the report of the Select Committee on the Currency to the Legislature in 1837, greater responsibility on the part of the directors was urged. It was suggested that this be fixed at an amount equal to one-half their stock. This, however, failed to receive sufficient support to make it a law.

The expansion of the capital of banks already in operation amounted to \$2,500,000. The Franklin Bank added \$1,200,000;<sup>2</sup> the Salisbury, \$100,000;<sup>3</sup> the Hagerstown \$400,000;<sup>4</sup> and the Hamilton, upon its removal to Baltimore, in 1837, added to its capital \$800,000.<sup>5</sup> The State, too, by

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<sup>1</sup> Md. Laws, 1835, ch. 378.

<sup>2</sup> *Ibid.*, 1835, ch. 277.

<sup>3</sup> *Ibid.*, 1836, ch. 159.

<sup>4</sup> *Ibid.*, 1836, ch. 295.

<sup>5</sup> *Ibid.*, 1836, ch. 198.

selling its right to subscribe in several of the banks effected really an increase of active capital. The right to subscribe to the capital had been reserved by the State in every case in granting the charter, and inasmuch as but a small portion of this amount had ever been subscribed and paid for, it really operated as a limitation of capital. Between 1833 and 1836 the State sold the right to subscribe some or all of her reserved shares in three banks at rates varying from \$2 to \$10 per share. Stock to the amount of \$625,000 was thus freed for subscription, \$75,000 in the Union Bank, \$500,000 in the Merchants' and \$50,000 in the Hamilton.

Some mention of the great extension of private banks should be made here. It is impossible to obtain definite information concerning them. The chief function performed by these private banks was that of issue, and after about 1825 this function was exercised by companies of all sorts which could find a market for such wares. With a view to restraining them they were made subject to the same provisions as banks as regards the denominations of their notes.<sup>1</sup> A more effective check was administered in 1842, when they were prohibited altogether from issuing.<sup>2</sup>

Reviewing, then, the increase of banking capital from 1829 to 1836, we find that at its beginning there were thirteen banks, with an active capital of \$7,461,372. These were increased by fourteen banks, whose paid-up stock was \$4,878,000. The total increase of active capital from the three sources mentioned above was over \$8,000,000, i. e., the capital was doubled. The Bank of Maryland by its failure in 1834 detracted \$300,000.<sup>3</sup> In 1836 there were, then, twenty-six banks, whose nominal capital was \$19,176,000, of which \$15,465,000 was paid in.

10. *An Attempt to Establish a Bank of the State of Maryland.*

Throughout the years 1830-33 there was an active discussion of a plan to establish a bank under the direct control of

<sup>1</sup> Md. Laws, 1831, ch. 317.

<sup>2</sup> See p. 100.

<sup>3</sup> See p. 89, et seq.

the State government. The need of a decided increase of banking capital and of the location of banks in the country sections were facts admitted by all. Those engaged in manufacturing and commercial operations especially complained of the inadequacy of the banking capital and the limited amount of the currency.<sup>1</sup> The cause of the small amount of circulation was considered to be the influence of the United States Bank in restraining the State banks.<sup>2</sup> The espousers of the new State bank were bitterly opposed to the United States Bank.

The objects of the new institution were to be an increase of the circulating medium, the convenience and benefit of the people at large, the repletion of the treasury of the State, the keeping of the public deposits, the making of improvements, the support of public education and the avoidance of taxation. The bank was to belong to the State exclusively, and the contemplated organization of it would have made it a department of the State government. The president and board of five directors were to be appointed by the General Assembly, on the recommendation of the Governor, with the consent of the Council. The president and directors had power to appoint the officers and other agents. Office was to be tenable during good behavior, subject to removal by the Governor upon the recommendation of the General Assembly. Political opinion was to have no influence in the appointment or dismissal of any officer.

It was proposed to form the capital of the bank from the invested money in the State treasury, which was composed of United States, bank, road and other stocks. The bank stock amounted to about \$520,000, and there was \$335,105 invested in United States 3 per cents. Other funds amounted to about \$80,500, making in all about \$935,600. The augmentation of this capital was provided for as fol-

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<sup>1</sup> Report of Mr. Teackle, Chairman of Select Committee on a State's Bank, House of Del., Dec. session, 1829. Report of Committee of Ways and Means on a State Bank, 1833.

<sup>2</sup> Ibid.

lows: The bank officers, with the approval of the Governor, Council and Legislature, were to be authorized to purchase, at a rate not exceeding the par value of the actual capital paid in, any one or more of the banks then existing in the State. To pay for it, the bank was to issue 20-year 5 per cent. bonds, for payment of both principal and interest of which, the faith of the State was to be pledged. Two per cent. semi-annually of the amount of the bonds was to be set aside and invested by the bank for the redemption of the bonds. After the payment of the debt the banks which had been purchased were to be merged into, and their funds were to form a part of the capital of the State's bank.

This scheme introduced the idea of consolidation and centralization by the absorption of some or all of the old banks. This principle was further extended by provision for a system of offices and agents embracing all the counties and important centers. These offices were to be for discount and deposit; their capital was to be apportioned them from the central bank.

The advancement of the counties was one of the objects especially aimed at, and in furtherance of this, money was to be advanced on real estate security at a rate of interest not exceeding 5 per cent. per annum.

The profits of the bank were to be at the disposal of the State Treasurer, though if the semi-annual dividends exceeded 5 per cent., the excess was to be turned over to increase the capital of the bank. The State Treasurer was to be allowed to anticipate an accruing dividend by drawing on the bank for its probable amount.

The Attorney-General and the Treasurers of the State were made ex-officio directors of the bank. For discounts upon personal security two good names were to be required, otherwise a deposit of bonds or precious metals was made necessary; accommodation notes were not to be discounted without a similar deposit. No president, director, officer or agent of the bank was to be allowed to be a borrower, or endorser, or receive discounts.



There were two peculiar features in the proposed bill; the first was the power of issuing "bettering notes," or notes bearing interest at the rate of one cent a day, redeemable both in principal and interest at three months after presentation; the denomination of the note was to be \$100. The second experiment was the sale of certificates of stock of a face value of \$100 each, bearing interest at 3 per cent. per annum, to persons having notes of the bank to an amount of \$1000. Eighty dollars of the bank's notes were to be exchangeable for a certificate of stock. This stock was to be redeemable at pleasure by the State.

Provision was made for periodic inspection and reports to the Assembly; \$500,000 in coin had to be in hand before opening.

The leading points of this proposed legislation were strong. As an instrument to centralize and make uniform the State banking system, it would have been an immense step in advance. A great economy in banking would have been effected, while by the branch office and agency system, less advanced districts would have received the assistance necessary for their development. The experience of the country banks from 1814 to 1820 pointed in this direction. The danger of such an institution from the political side would be great.

In 1829 the Legislature appointed a committee to consider the petitions for the bank; it made a careful investigation and reported favorably. The bill received a lengthy discussion, but finally was rejected by a vote of 46 to 23. Similar committees had the same matter referred to them in the various sessions of 1830-33; invariably the report was favorable, but a bill could never be carried through the Assembly.<sup>1</sup>

In the formation of the bill just described, much study was devoted by the committee to the foundation and operation of other State's banks already organized, especially that of

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<sup>1</sup> Niles, Feb. 13, 1830.

South Carolina. The State's banks of Georgia, Alabama, Tennessee, Louisiana, Indiana, Ohio, Florida, Kentucky and New York were also carefully examined, and correspondence was entered into with officers of these banks.<sup>1</sup>

In 1837 the question of a State bank was revived. The House of Delegates ordered that the Committee on the Currency "inquire into the expediency and practicability of changing the banking system of the State in such a way as might lead to the establishment of a State bank \* \* \* by a union of all such solvent banks of the State as may be willing to convert themselves into branches of the State's bank by transferring to it all their stock and assets." All the banks without exception expressed disapproval of the scheme and their unwillingness to enter into it, consequently it was immediately dropped.<sup>2</sup>

#### II. *The Merchants' Bank Charter.*

##### (a). Uniform Regulation of Banks.

Up to 1834 the major part of the legislation affecting banks was the charter regulations of the separate banks; very few general laws applicable to all had been passed. The various charters differed considerably in their provisions, as has been shown. A considerable step toward uniformity was taken in 1835, when all Baltimore banks were made to conform to the charter of the Merchants' Bank of Baltimore. This charter was given early in 1835, and new banks which were established in Baltimore after this date were simply brought under its provisions. The old banks came upon the same basis when in 1835 and following years acts were passed continuing their charters. In the case of the banks which had been continued to 1845 by the Act of 1821, chapter 131, in return for their agreement to construct the Boonsboro road, the new regulations could not be introduced until after the termination of the old charter. The

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<sup>1</sup> Report of Select Committee on a State's Bank, 1829. Ibid., 1830, pp. 8 ff. and 48; also p. 33. Report of Committee of Ways and Means upon a State's Bank, 1833.

<sup>2</sup> Report of the Committee on Currency, 1838, p. 5.

Marine and the Farmers' and Merchants' Banks were extended to 1856;<sup>1</sup> the Mechanics' and the Franklin to 1857;<sup>2</sup> the Commercial and Farmers' and the Baltimore to 1858; the Union to 1859. In return they were to become subject to the regulations contained in the charter of the Merchants' Bank, to relinquish the exclusive right of banking in Baltimore and to suffer additional taxation.

The more important changes which were introduced in the charter of the Merchants' Bank were the following: The president and directors had to be citizens of Maryland, not of the United States merely, as previously. Issues might not exceed the amount of the capital paid in; the total amount of debts exclusive of issues was limited to the same amount. Formerly the total debts might equal twice the capital. The president and directors in their corporate capacity could not hold any part of the capital of their bank, nor make any loans on a pledge of stock, nor receive the same as collateral security for any money loaned, except for doubtful debts previously contracted. Debts due to a bank by a stockholder had to be settled before he could transfer his stock, unless the president and directors allowed otherwise. Real estate falling into a bank's hands had to be disposed of within five years. The banks were empowered to invest in Maryland, Baltimore and United States bonds. Fifty stockholders controlling 1000 shares could call a general meeting of the stockholders.

The Legislature reserved the power to regulate the denominations of bank notes. It required the banks to act as commissioners of loans when desired. In case of suspension of specie payments, interest at 12 per cent. per annum might be demanded, if the assets of the bank were sufficient to pay it; otherwise as much above 6 per cent. was recoverable as the assets would pay.<sup>3</sup> The law provided for the pro

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<sup>1</sup> Md. Laws, 1834, ch. 274.

<sup>2</sup> Cf. *ibid.*, 1844, ch. 294.

<sup>3</sup> To place all the banks upon the same footing, the rate was made 6 per cent. until 1845, by the law of 1841, ch. 41. The country banks were subject to the general law of 1818, ch. 177, which required interest at 6 per cent.

rata distribution of all assets in case of suspension of specie payments.

The country banks were likewise placed upon a common footing by the Acts of 1836, chapter 239, and 1842, chapter 251,<sup>1</sup> which extended their charters to dates varying from 1855 to 1860. All were required to send to the treasurer an annual report of their condition. Through this act inspection by the State became a protection of the general interests, and was not done by the State as stockholder, inasmuch as the State had only subscribed in two or three of these banks. The payment of the school tax was continued and a new tax, a bonus of \$1.25 per \$100 of capital paid in, was imposed. Notes under \$5 were prohibited, and the State reserved the right to regulate the denominations of issues after 1845. The charters were to become void on failure to pay specie.

(b). Increased Taxation.

An additional tax was imposed in each case as the condition of a continuation of the charter after 1845. The banks of Baltimore were required to pay in three annual instalments a bonus of \$75,000, proportioned to the amount of capital of each bank. The country banks whose charters were renewed had to pay, as stated above, \$1.25 for every \$100 of capital paid in, as a bonus to the State.

The new banks which were established during the expansion of 1829-36 were taxed, in addition to the tax for the school fund, \$3.75 per \$100 of capital paid in, and at the same rate for additions to capital. In one or two cases the rate varied slightly. These taxes were payable in annual instalments within three years.

An attempt was made in 1835 by the municipal authorities of Baltimore to lay a tax upon the stock of banks.<sup>2</sup> The Legislature decided this to be in violation of its pledge

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<sup>1</sup> Cf. Md. Laws, 1843, ch. 95.

<sup>2</sup> Md. Laws, 1834, ch. 274. Ibid., 1836, ch. 239. Ibid., 1842, ch. 251. Ibid., 1843, ch. 95.

given in the Act of 1821, chapter 131, to impose no additional tax until 1845. To prevent discrimination between the banks, the city was also forbidden to tax banks incorporated since that act.<sup>1</sup>

In 1841<sup>2</sup> the State's indebtedness required extra taxation to meet its expenses. All bank stock was taxed at the rate of twenty cents on the \$100, in addition to taxes on real and other personal property. The banks objected strenuously to this burden, and claimed it was a violation of the State's pledge to impose no further tax until 1845.<sup>3</sup> The loan had been obtained from the banks, now they were taxed to pay it. Considerable trouble was met in the collection of this tax. To facilitate its collection banks which had loaned the State in 1841 were allowed, upon notice to the treasurer, to issue orders upon the State treasury up to the amount of each one's loan. These were receivable in payment of the direct tax upon bank stock. They were not to be reissued by the treasurer.<sup>4</sup> Still collection of the tax continued to be impeded, so in 1843 the bank officers were required to retain from the profits and pay the treasurer the amount of the tax.<sup>5</sup> However, in January, 1845, the Supreme Court of the United States decided that the banks which had been incorporated prior to the Act of 1821, chapter 131, were exempt from the tax during the continuance of their charters. This freed six Baltimore banks from payment of the tax until March 10, 1846, and the money which had been paid in by them was refunded.

## 12. *Crisis of 1834 and its Effects.*

A tax of one-half of one per cent. was imposed on all bank stock sold at auction by the Act of 1843, chapter 293.

The crisis which occurred in 1834 was felt comparatively little in the East, and was of short duration. It was precipitated to great extent by the hostile relations existing between the administration and the United States Bank. In 1833,

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<sup>1</sup> Md. Laws, 1835, ch. 142.

<sup>2</sup> Ibid., 1841, ch. 23.

<sup>3</sup> Ibid., 1821, ch. 131.

<sup>4</sup> Ibid., 1841, ch. 291.

<sup>5</sup> Ibid., 1843, ch. 289.



when the national deposits were removed, the bank was compelled to contract its discounts suddenly. This occurred before the new State banks which had been chartered were fully organized, hence they were unready to relieve the situation. The branches of the United States Bank, too, were very stringent in their relations with the State banks, and prevented an active response to the demand for discounts. A rapid retrenchment occurred; on January 1, 1834, the discounts of the Maryland banks were \$10,273,000, and the circulation was \$2,071,000. Within six months the discounts had been reduced by \$1,100,000 and the circulation by \$800,000; the specie on hand was maintained at \$630,000, or one-half the circulation. After June, 1834, the influence of the newly-chartered banks began to be felt and the discount and circulation lines began to rise. The rate of discount dropped rapidly from 30-36 per cent. per annum to 10-12 per cent. and lower, and the tightness of the money market was soon relieved.

To this crisis was charged the failure of three banks in Maryland. Maladministration was the cause of bankruptcy in each case; the removal of the national deposits from the United States Bank and the resulting restriction were the occasion of it. The greatest of these failures and the most wide-reaching in its effects was that of the Bank of Maryland. It was the first bank chartered in the State, and it received an exceptionally liberal charter.<sup>1</sup> The State was not a stockholder in it, nor did it render any reports to the treasurer. Its early administration was vigorous and successful.<sup>2</sup> During the years 1816-24, in common with the other banks, it suffered severe losses, due partly to the character of its officers, who were now conducting it sluggishly in contrast to its former active policy. An investigation of its affairs was made in 1824, which revealed the fact that \$100,000 had been lost. The following statement was rendered to the stockholders February 10, 1824:<sup>3</sup>

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<sup>1</sup> See p. 29.

<sup>2</sup> *Ibid.*

<sup>3</sup> Observations on an Act to Establish a Bank, etc. T. Ellicott, Bank of Maryland Conspiracy, etc.

## ASSETS.

Discounts—accommodation notes.	\$206,340.00	
“ business notes . . . .	49,765.00	\$256,105.00
Protested notes (bad) . . . . .		74,912.00
Overdrafts (doubtful) . . . . .	\$2,926.00	
“ (bad) . . . . .	197.00	
“ (good) . . . . .	267.00	3,390.00
Due from other banks . . . . .		16,375.00
Specie . . . . .		18,969.00
Real estate . . . . .		24,765.00
Road stock . . . . .		22,324.00
Other assets . . . . .		6,314.00
		<u>\$423,154.00</u>
Deduct—Protested notes (bad) .	\$74,912.00	
Estimated loss on doubtful notes . . . . .	12,870.00	
On banking house . .	13,189.00	
On road stock . . . .	16,695.00	
Expenses . . . . .	2,528.00	120,194.00
		<u>Real value of assets, \$302,960.00</u>

## LIABILITIES.

Capital . . . . .		\$300,000.00
Circulation . . . . .		43,736.00
Discounts received . . . . .		6,963.00
Due to other banks . . . . .		2,185.00
Deposits . . . . .		56,438.00
Contingent profit . . . . .	\$13,231.00	
Unpaid dividends . . . . .	574.00	
Other liabilities . . . . .	27	13,832.00
		<u>Total debts, \$423,154.00</u>
Deduct—Contingent profits . . .	\$13,231.00	
Accruing discounts . .	6,963.00	
Real value of assets . .	302,960.00	323,154.00
		<u>Loss, \$100,000.00</u>

It is thus seen that one-third of the capital was lost in 1824. The bank, however, continued to pay dividends, and, it was believed, restored no portion of this loss.<sup>1</sup> This is presumed to have been substantially its condition in 1831, when a change in the personnel of its administration occurred. A radical turn in its policy was immediately observable. Its business was extended much further than its limited capital permitted. The practice of paying interest on deposits which were by contract to remain a specified time, was begun. In 1832 a deposit of \$335,000 was obtained from the State. Its circulation increased enormously and somewhat of an apprehension of a disaster arose in banking circles. At the Union Bank its notes were received in such quantities that remonstrance was made to the directors of the Bank of Maryland. However, daily exchanges were still effected. The expansion of business within two years was as follows:

	AUG. 30, 1831.	SEPT. 24, 1833.
Specie . . . . .	\$8,525	\$45,000
Circulation . . . . .	213,070	620,000
Deposits . . . . .	88,998	1,720,000
Discounts . . . . .	500,000	1,873,000

In October, 1833, President Ellicott, of the Union Bank, refused their notes above a limited amount. The Bank of Maryland tried to procure aid from the Secretary of the United States Treasury, but without avail. In January or February, 1834, the Union Bank loaned it \$100,000 to tide it over the crisis. However, on March 22, 1834, it was compelled to suspend. An investigation revealed the following facts:<sup>2</sup> About May, 1832, a partnership had been formed by the president and two directors of the bank and two other parties to deal in the stock of the bank. Between May 22, 1832, and January 22, 1833, 900 shares out of a

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<sup>1</sup> T. Ellicott, *Bank of Maryland Conspiracy*, etc.

<sup>2</sup> *Ibid.*

total of 1000 were purchased at \$500 per share (par value \$300) out of the funds of the bank. On March 10 the president and directors transferred these 900 shares of stock to the partnership, and, to pay for them, discounted their notes for \$450,000, payable on presentation in money or stock of the bank. They were thus placed in control of the bank. With the bank's funds they also subscribed for the major part of the stock of the General Insurance Company, and created the partners, president and managers of it. A purchase of 6000 shares of Union Bank stock was made by one of the partners, for which he gave his note for \$510,000 and deposited as security bonds belonging to the Bank of Maryland to the amount of \$500,000. The partners were through these transactions indebted to the bank \$950,000.

When the crisis of 1834 came on, they, by powers of attorney, conveyed their stock to the president and withdrew their notes from the bank; in their place was substituted his individual checks. Bank of Maryland stock also was deposited with the General Insurance Company, as security for some policies, by the president of the bank in March, 1834. The proceeds of these policies were deposited in the Bank of Maryland to the credit of the president. He checked upon this credit to parties who used it to counterbalance obligations to the bank. On March 21, the General Insurance Company returned the stock held by them to the bank and cancelled their policies. The chief losses thrown upon the bank by the partnership were:

Loss on 900 shares of Bank of Maryland Stock . .	\$270,000
Loss on Union Bank Stock . . . . .	40,000
Loss on General Insurance Co. Stock . . . . .	30,000
Total . . .	<u>\$340,000</u>

Immediately after the failure of the bank its affairs were placed in the hands of a trustee, with whom afterwards two others were associated. Bitter enmity existed between all concerned in the fraud and the trustees, and polemic after

polemic was published. No report was rendered to the creditors for seventeen months. Finally they became so exasperated that they mobbed the houses of all the parties concerned in the partnership, and there was considerable destruction of property. The mob held sway from five days. Upon petition to the Legislature an indemnity of \$102,550 was granted to those who suffered by it.<sup>1</sup>

The trustees were in disagreement among themselves. Two of them allowed the acceptance of \$400,000 from the president of the bank to cover his obligations, after the trust had been conferred. The president pledged his private estate to meet the debts of the bank, and suits against various parties were instituted for sums aggregating over \$600,000, a large part of which, it was charged, was recovered through unjust influence over the court. By these means sufficient funds were collected to cover all claims against the bank, although it was at first thought the creditors would lose almost everything. The following tables show the condition of the bank at the time of its failure, and in an imperfect way, how far liquidation had proceeded in 1838, when a dividend of ten cents on the dollar was made to the creditors.

STATEMENT OF THE CONDITION OF THE BANK OF  
MARYLAND, MARCH 22, 1834.<sup>2</sup>

LIABILITIES.

Capital . . . . .	\$300,000
Circulation . . . . .	624,315
Deposits bearing Interest . . . . .	1,069,752
Other Deposits . . . . .	371,256
Profit and Loss . . . . .	18,551
Other Liabilities . . . . .	735,660
	\$3,109,614

<sup>1</sup> Scharf, History of Maryland, Vol. II, p. 182.

<sup>2</sup> Report of the Case of Bank of Maryland vs. Sam'l Poultney and Wm. M. Ellicott, Harford Co. Court, 1836, p. 49.



## ASSETS.

Bank of Maryland Stock . . . . .	\$ 400,000	
Discounts . . . . .	1,371,394	
Specie . . . . .	32,977	
Real Estate . . . . .	34,518	
Stocks, etc. . . . .	1,243,046	
	<hr/>	
	\$3,081,935	
Deficit . . . . .	27,679	
	<hr/>	\$3,109,614

CONDITION OF THE BANK MAY 20, 1838.<sup>1</sup>

Current Funds . . . . .	\$131,626	
Bills and Notes* . . . . .	566,644	
Due on Open Accounts . . . . .	133,643	
	<hr/>	\$831,421
Claims of every kind, including 200 shares of stock,	614,474	
	<hr/>	\$216,947

\*This includes \$400,000 passed to the credit of the bank after its failure.

The above statements do not indicate the character of the assets. The trustees, in their testimony in the case of the Bank of Maryland vs. Sam'l Poultney, gave as their opinion that the losses on the assets would be small. The creditors ultimately lost little. The greatest loss fell upon those who, in the height of the panic, disposed of their claims at 40 to 50 per cent. discount.<sup>2</sup>

The failure of the Bank of Maryland immediately caused runs upon the other banks, but they withstood them without serious difficulty.

The Commercial Bank of Millington failed in 1836. Its nominal capital was \$100,000, and it had been chartered only in 1832. Its president was a speculator, who immediately before the failure of the Millington Bank organized another

<sup>1</sup> Report of the Case of Bank of Maryland vs Sam'l Poultney and Wm. M. Ellicott, p. 49.

<sup>2</sup> Niles, 1834, Vol. XLV, p. 65.

in Hagerstown on deposits in the old bank as capital. The amount of its assets and debts is unknown.<sup>1</sup>

The Susquehanna Bank, which had failed in 1820, was revived. It sustained the run upon it made at the failure of the Bank of Maryland<sup>2</sup> with difficulty, and soon after succumbed. It must have satisfied its creditors in some way, inasmuch as it resumed business again in 1836. The loss in each of these cases was probably small, since the character of these banks was generally known and their business was very limited.

The Salisbury Bank, which had commenced operations in November, 1830, was compelled to suspend for a time in April, 1834; however, it soon resumed.<sup>3</sup> In the liquidation of debts to banks their notes were receivable, consequently immediately after a failure the debtors of the bank were anxious to purchase at a discount the notes of the insolvent bank to pay their obligation. On this account the Legislature enacted in 1835 that whenever a bank failed to pay on demand in specie, and was in condition to be proceeded against under the Act of 1818, chapter 177,<sup>4</sup> the notes of the bank were not receivable for debt to the bank unless they had been held by the debtor at the time of failure.<sup>5</sup> The same law provided that to settle the affairs of a bank, if stockholders holding the major portion of the stock so desired, the chancellor or county court might appoint a trustee, instead of the bank officials. This law was a direct outcome of the Bank of Maryland trouble.<sup>6</sup>

### 13. *Crisis and Suspension of 1837.*

The period of 1822-37 was one of almost unbroken prosperity in the eastern part of the United States; the difficulties of 1825, 1828 and 1834 were of short duration, and their effects in the Eastern States were not so great. Several circumstances combined to produce the panic of 1837. In the

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<sup>1</sup> Niles, June 7, 1834.

<sup>3</sup> Ibid., Apr. 26, 1834.

<sup>5</sup> Md. Laws, 1834, ch. 305.

<sup>2</sup> Ibid., Feb. 15, 1834.

<sup>4</sup> See p. 57.

<sup>6</sup> See p. 93.

first place, the long-continued prosperity led naturally to a dangerous expansion in industrial enterprises of all sorts. The spirit of speculation had been growing for a decade. In Maryland the special form of speculation was in the various improvement schemes. Canals, railroads, turnpike roads, etc., were proposed and entered upon with zeal. The Baltimore and Ohio, the Baltimore and Washington, the Susquehanna, the Philadelphia, Wilmington and Baltimore Railroads, the Chesapeake and Ohio and the Chesapeake and Delaware Canals, and roads too numerous to mention, were all under way at this time in Maryland. They were to a great extent local projects, and drew their resources from within her bounds. The public lands were an object of investment generally.

Secondly, the price of cotton had been low for several years, and in 1836 the wheat crop was a failure. The balance of trade had continued against the United States for some years, and specie had been sent abroad to adjust her balances.

A third cause of the crisis was the general apprehension of financial trouble at the closing of the United States Bank and its restriction to enable it to adjust itself to the new conditions.

The Baltimore, Philadelphia and New York banks suspended specie payments on May 12, 1837, shortly after the specie circular had been put into operation, which threw back upon the banks their notes for redemption. At the same time shipment of specie abroad continued, and the government made heavy demands upon the deposit banks. Specie in Maryland commanded a premium of 6 per cent. To retain it the banks were compelled to suspend.

In Maryland this was altogether a protective measure; the banks were in a sound condition. At the time of suspension they had one dollar in specie in their vaults for every three of notes in circulation, which at that time was regarded as the criterion of soundness. The ratio of specie to circulation and deposits was as one to eight. The country banks

were uniformly in as good condition as the city banks. All but four of them had been recently organized, and their operations were not yet far extended.

At the first meeting of the General Assembly after the beginning of the suspension a Committee on the Currency was appointed to examine into the solvency of the banks and their ability to redeem their notes ultimately, and to report whether or not they had forfeited their charters by suspending. The committee conducted its examination by means of sworn statements from bank officers in reply to certain general and special questions. These replies were afterwards verified by the committee by a personal investigation of the books of the banks.<sup>1</sup> The committee pronounced the banks without exception to be in a sound and highly creditable condition.

There could, however, be no doubt that the banks had rendered their charters liable to forfeiture. The general law of 1818, chapter 177, declared all charters voidable on suspension. This had been reaffirmed for Baltimore banks, when, by the recharter law of 1834, chapter 274, they became subject to the eleventh and thirteenth sections of the charter of the Merchants' Bank, and for the country banks by the law of 1836, chapter 239.<sup>2</sup> In addition to this the charters of the Frederick County, Western, Farmers' and Planters', Chesapeake, Citizens', Hamilton and Mineral Banks specifically reserved the right to revoke the charters on failure to pay in specie.

The banks expressed their readiness to resume at any time the Legislature might appoint, but they feared the consequences if they were compelled to resume before the banks north of them, to which they were heavily indebted. Maryland banks were owed balances by the banks of the Southern States, which were still in suspension. Their specie would have been drained off to pay their Northern balances, and at the same time they would have had no means of replenishing

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<sup>1</sup> Report of the Select Committee on the Currency, 1838, p. 1.

<sup>2</sup> See p. 87.

themselves except by purchase at a heavy premium. On January 1, 1838, the Baltimore banks were in debt to those of New York and Philadelphia \$730,000. The country banks owed no balances North.<sup>1</sup>

The committee framed its recommendations into a bill, which was passed by the General Assembly in March, 1838.<sup>2</sup> It provided that every bank and savings institution should transmit to the State Treasurer, once a month during the suspension, a statement under oath of its condition, and likewise to every other bank and savings institution in the State a similar statement at least once a month during the suspension. The circulation during the suspension was limited to three times the amount of the specie in the bank's possession, and after resumption they were not allowed to issue more than the amount of their actual capital. No notes nor certificates of deposit of a less denomination than \$5 were to be issued after May, 1838. The date for resumption was fixed at January 1, 1839, or within thirty days after resumption by the banks of New York, Philadelphia and Virginia, should they resume previously to that date. Banks complying with these conditions were freed from the penalties incurred by the suspension of specie payments and the issue of small notes. Against banks not complying the Attorney-General was to have issued a *scire facias*, to show cause why their charters should not be revoked.

These provisions were made with a view to preparing the banks for resumption. The New York banks were compelled by a State law to resume specie payments by May 10, 1838. The Philadelphia banks followed in August, and those of Baltimore immediately afterward. The resumption caused little inconvenience in Maryland. Discounts were not diminished at all.

For a statement of the condition of Maryland banks in January, 1838, see Appendix, page 185.

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<sup>1</sup> State Banks, p. 708.

<sup>2</sup> Md. Laws, 1837, ch. 315.



14. *Crisis of 1839.*

The prosperity which had been hoped for did not return with resumption. A year of disaster for the entire country followed, though the South and West especially felt its force. Maryland had become involved in a large and increasing debt through her improvement works, whose cost far exceeded estimation, and from which no returns were being received. In many cases work came to a standstill through lack of funds, and thus a vast amount of public and private capital lay locked up. Banks among others were heavy investors in this sort of stock.

The Bank of the United States, owing to its speculations, had become in a perilous condition, and was laboring to produce another suspension in order to shield itself. On the 10th of October, 1839, it suspended, and all the banks of the Union except those of New England and New York followed. The failure of the Bank of the United States fell very heavily upon Baltimore, where originally over \$4,000,000 of its capital was subscribed; the whole capital was lost.

Under these circumstances the banks contracted rapidly. Interest rose to 20 per cent. Just before the suspension the discounts of Maryland banks had stood at \$16,400,000, and the issues at \$3,400,000. By the first of January, 1840, the discounts had fallen \$2,500,000 and the issues \$500,000.

The financial condition of the State, too, was most wretched. In the cause of internal improvement, Maryland had subscribed almost \$12,000,000, and had become involved in a debt of \$5,500,000, the interest upon which she was unable at that time to keep up.<sup>1</sup> The public revenue paid the current expenses only. No system of direct taxation was in use in the State, and for several years the inconveniences attendant upon the inauguration of one were felt. The laws taxing real and personal property were not enforced in some counties. The negotiation of a loan abroad failed in 1837.<sup>2</sup>

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<sup>1</sup> Scharf, *History of Maryland*, Vol. III, p. 211.

<sup>2</sup> *Ibid.*, p. 208.

In January, 1842, the State was driven to suspend payment of interest on its debt. Between 1837 and 1842 the State borrowed over \$500,000, principally from the banks. The suspension of interest payment thus directly affected them. At the same time lack of resources necessitated a cessation of work on canals and roads, and the State was again appealed to for help.

To assist the improvement companies, which were in distress, specific powers of issue were granted in a number of cases. The Baltimore and Ohio,<sup>1</sup> the Annapolis and Elkridge<sup>2</sup> Railroad Companies, the Chesapeake and Ohio<sup>3</sup> and the Tidewater<sup>4</sup> Canal Companies were empowered to issue up to \$4,000,000 paper variously denominated stock orders, certificates of debt or toll notes, secured by bonds of the State or of Baltimore or by mortgage of property. Other companies by their charters were allowed to make such issues; many made them without legal sanction. The orders issued by the Corporation of Baltimore and the Baltimore and Ohio Railroad had general circulation, and were the most reliable fractional currency after the disappearance of specie.<sup>5</sup>

The authorization of issues of individuals upon bond was discussed in 1838. The bond proposed was to be of five times the amount issued, and was to be filed with and approved by the clerk of the county court where issued. The matter was referred to the Committee on Currency, which reported unfavorably.<sup>6</sup>

An attempt was made in 1842 to put an end to all issues made without legal sanction. Improvement and other incorporated companies, except such as were allowed to do so by their charters, were prohibited from issuing any sort of

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<sup>1</sup> Md. Laws, 1840, ch. 25.

<sup>2</sup> *Ibid.*, 1841, ch. 168.

<sup>3</sup> *Ibid.*, 1841, ch. 30.

<sup>4</sup> *Ibid.*, 1841, ch. 47.

<sup>5</sup> Scharf, *Hist. of Maryland*, Vol. III, pp. 207 and 182. *Chronicles of Baltimore*, pp. 491 and 495.

<sup>6</sup> Orders for the Com. on the Currency, House of Delegates, 1837. Report of Com. on the Currency, 1838, p. 5.

paper to circulate as money. The penalty was both corporate and individual liability to pay the full amount issued.<sup>1</sup> At the end of 1842 still more comprehensive legislation was passed, prohibiting every one except banks from issuing anything to circulate as money, under penalty of \$20 for each offence. Traders forfeited their licenses for passing such notes. Besides the banks, the Baltimore and Ohio, the Annapolis and Elkridge Railroad Companies, and the Chesapeake and Ohio Canal Company were excepted from the operation of this law.<sup>2</sup>

The position of Maryland banks with reference to resumption was similar to that of 1838; they were between two fires, neither Pennsylvania nor Virginia banks were paying in specie, hence they hesitated to take the risk of having their specie drawn off. A special committee of the Legislature consulted the officers of the different banks in regard to resuming January 1, 1842. With two exceptions they declared their ability to resume at any time, but they unanimously preferred to wait until after resumption in Pennsylvania and Virginia. The Legislature set May 1, 1842,<sup>3</sup> and in case of non-compliance the bank forfeited its charter. On March 18, 1842, the Pennsylvania banks resumed, and those of Maryland followed without hesitation.

15. *Practice, 1837-44.*

The banks were uniformly administered with care during the suspensions of 1837 and 1839. There was a gradual expansion of discounts from 1836 to 1839 to meet the needs of patrons whom the stringency was pressing. This expansion was not, however, carried to a degree which imperilled the solvency of the banks. The increase of issues was comparatively small during the suspension of 1837. The calling in of paper and the reduction of discounts in 1839 was sharp, and caused considerable inconvenience. Between October, 1839, and January, 1840, discounts were diminished \$2,500,000, or more than one-seventh. Interest rose to 20 per cent.

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<sup>1</sup> Md. Laws, 1841, ch. 219.

<sup>2</sup> Ibid., 1841, ch. 321.

<sup>3</sup> Ibid., 1841, ch. 302.

on good paper. Soundness was not sacrificed to profit. The specie reserve was maintained above one-third of the amount of the circulation, even at the expense of purchasing specie at a considerable premium. By January 1, 1838, \$425,000 in specie had been purchased since the beginning of the suspension.<sup>1</sup> Some of them had disposed of gold and silver, almost entirely in the form of foreign coins, at a premium.

The dividends made at this time do not indicate excessive profits. The dividends of the twenty-two banks in operation ranged between 4 and 8 per cent. per annum during the years 1837 and 1838. Only one dividend as low as 4 per cent., and only two as high as 8 per cent. The rates of nearly all were between 6 and 7½ per cent. Nor was the surplus of any bank materially increased during the suspension. In some cases the usual rate was declared, and, profits falling short of this amount, the deficiency was made up from the surplus.<sup>2</sup> The market price of the stock of the various banks at this time points to the same conclusion. They were nearly all about par; only one or two commanded any considerable premium.<sup>3</sup>

A statement of the discounts, deposits, circulation and specie of Maryland banks, 1834-40:

JAN.	DISCOUNTS.*	DEPOSITS.	CIRCULATION.	SPECIE.
1834	\$10,273	\$3,567	\$2,072	\$ 664
1835	9,374	3,346	1,811	856
1836	13,519	4,967	3,052	1,180
1837	14,718	4,390	3,221	1,015
1838	15,821	4,329	3,084	1,342
1839	16,365	4,652	3,797	1,443
1840	13,934	3,379	2,937	1,222

\*Three figures omitted throughout.

During the suspension all specie disappeared from circulation, and all the banks were driven to violate the law in re-

<sup>1</sup> State Banks, p. 705.

<sup>3</sup> Ibid.

<sup>2</sup> Report of Select Committee on the Currency, 1838.

ceiving and passing notes of less denomination than \$5. Three banks confessed that they had issued such notes, though two of them claimed that this power was given them by their charters, and had not been revoked.<sup>1</sup> The Patapsco and Frederick County Banks made this claim; the Bank of Westminster also issued them. Post notes were issued by two banks in the crisis of 1837 and 1839. The Western Bank had out, in 1839, \$150,700 in post notes. The law which provided for resumption of specie payments allowed the issue of small notes up to one-fifth the amount of the capital paid in.<sup>2</sup>

The Committee on the Currency investigated the charge that directors received discounts on more favorable terms than others. The banks all denied that they discounted to directors as such; some acknowledged that they favored directors when their paper was as good as that of others, since they had difficulty in obtaining discounts at other banks. Most of the banks favored their regular patrons when their paper was unquestionable. Of the total discounts on January 1, 1838, of \$15,800,000, \$2,300,000 had been made to directors. The highest discount to any one director was \$121,500; seven directors had received over \$40,000 each.<sup>3</sup>

The banks, too, almost unanimously confessed that during the suspension they had discounted to parties on condition that the notes be taken to a distance to be put into circulation.<sup>4</sup> A few, too, had sent out agents, chiefly to Southern points, to buy up their notes at a discount,<sup>5</sup> though the extent to which this was practiced was very small. Although it was prohibited by their charters, the capital of all the banks

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<sup>1</sup> Report of Select Committee on Currency, 1838.

<sup>2</sup> Md. Laws, 1841, ch. 302. The issue of these notes was prohibited after November, 1842. The law of 1844, ch. 111, allowed the issue of notes between five and one dollar in denomination up to ten per cent. of the capital, or at least up to five thousand dollars by each bank.

<sup>3</sup> Report of Select Committee on the Currency, 1838. State Banks, p. 709.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.



chartered between 1829 and 1837, with a few exceptions, was paid partially with stock notes.<sup>1</sup>

16. *Effects of the Crises of 1837 and 1839.*

As a result of the depression quite a reduction took place in the banking capital of the State, both by voluntary lessening by the stockholders and by failure. Four banks became insolvent, the Franklin and the Citizens', of Baltimore; the Susquehanna, of Port Deposit, and the Planters' Bank of St. Mary's. The closing of the Franklin Bank in 1841 was only a temporary one, due partly to losses and partly to frauds practiced upon it. The public was subjected to no loss at all, and it resumed after a short time.<sup>2</sup>

The failure of the Citizens' Bank was the most important of those that occurred at this time. Its nominal capital had been \$500,000 until 1843, when it was reduced to \$334,000.<sup>3</sup> In 1844 the stockholders decided to close up its affairs, since it had suffered such heavy losses that they were doubtful of the advisability of trying to restore its capital.<sup>4</sup> Finally, however, it paid all creditors in full, and the stockholders received for their claims \$8 per share (par value \$10). Their loss, therefore, amounted to about \$65,000.

The Planters' Bank of Prince George's County, which, after having failed in 1822, had been restored in 1832, by the desire of its stockholders decided to close up again in 1842.<sup>5</sup> Its nominal capital was \$200,000. It was able to meet all its liabilities.

The Susquehanna Bank had been very weak for years. It had suspended in 1818, while operating under the name of the Susquehanna Bank and Bridge Company. About 1824 it was revived, and its name was altered to the Susquehanna Bank. During the crisis of 1834 it required assistance to enable it to keep afloat. Loans were made by various banks of Baltimore. The Union Bank and the Bank of Maryland, before its failure, had each sent it \$50,000. But even

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<sup>1</sup> Md. Laws, 1843, ch. 269. <sup>2</sup> Scharf, *Chronicles of Baltimore*, p. 503.

<sup>3</sup> Md. Laws, 1842, ch. 76. <sup>4</sup> *Ibid.*, 1843, ch. 240.

<sup>5</sup> *Ibid.*, 1842, ch. 204.

with this aid it was unable to stand. In March or April, 1834, it suspended business a second time after a reckless attempt to get into circulation as many notes as possible. Its paid-in capital was \$393,319. On March 8, 1834, three or four weeks before its failure, its issue amounted to \$128,925. The first statement after its failure, September, 1834, shows the circulation to have been \$328,359. Likewise within the same month the specie had been reduced from \$74,289.07 to ninety-seven cents. The deficiency of assets March 8, 1834, was \$93,085; in September, 1834, it had increased to \$283,353. After its failure and the partial settlement of its affairs, its leading stockholders decided, in 1836, to resuscitate it and pay its liabilities. In some manner it was able to struggle to its feet again, though the old creditors were not paid off. It was unable to stand the pressure of 1837, and in January, 1838, it was again compelled to suspend. A special committee of the Legislature was appointed to examine into its affairs, and they advised that its charter be declared forfeited.<sup>1</sup>

These cases led to further legislation in regard to the method of procedure in closing up insolvent banks. The law of 1841, chapter 302, provided that the Governor, upon information that any bank had refused to pay in specie on demand or had issued small notes in violation of law, should direct the Attorney-General to issue a *scire facias* against such bank. In this case the county court or any judge of it might by injunction restrain the bank from improperly disposing of its funds, and might appoint a receiver if it thought best. The court upon proper evidence could adjudge the charter forfeited and appoint three trustees to settle up the business. Thereupon the property of the bank vested fully in the trustees, and the court might require the bank to execute a deed of assignment to the trustees.

The time consumed in the liquidation of insolvent banks was frequently very long, extending from five to fifteen years

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<sup>1</sup> Report of the Select Committee in relation to the Susquehanna Bank, House of Delegates, Apr. 3, 1839.

in some cases. To prevent the trouble of keeping bank notes this long time, while awaiting dividends of the assets, the Legislature enacted that record might be made of such notes in any court of the State and the notes themselves might be destroyed by the sheriff.<sup>1</sup>

In 1842 a *scire facias* was issued against the Farmers' and Millers' Bank of Hagerstown, to show why it had not forfeited its charter. It had secured its charter in 1835, with an authorized capital of \$200,000, of which \$100,000 was subscribed. \$75,000 only, the amount of the specie requirement, was paid in. A committee appointed by the treasurer to make examination reported the \$75,000 in specie to be in the possession of the bank. They had, however, allowed the bank to consider \$60,000 in certificates of deposit as specie. These certificates of deposit were from the Commercial Bank of Millington, which immediately failed. Its president was the president of the new bank, and, in like manner, when the Hagerstown Bank was on the point of failure, he attempted to start another in Virginia. Under this scheme the Farmers' and Millers' Bank got into operation with but \$15,000 in specie. Its notes were sent to friends at a distance for circulation. Its cashier was of great resource, and he managed to keep the concern afloat. At one time there were only four dollars in bankable funds in the institution, and the only specie was some boxes of pennies. On January 18, 1843, the committee appointed to examine it reported its condition as follows:<sup>2</sup>

Liabilities—Circulation . . . . .	\$8,839.00
Deposits . . . . .	5,464.54
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	\$14,303.54
Assets—Notes of specie banks . . . . .	\$285.00
Specie . . . . .	1,725.50
	<hr/>
	\$2,010.50
Deficit, . . . . .	12,293.04

<sup>1</sup> Md. Laws, 1840, ch. 85.

<sup>2</sup> Report of Special Committee to Legislature, 1843.

The other assets were estimated to be worthless, and no mention was made of the capital stock, which would increase the deficit by \$15,000. The bank was allowed to continue on condition that \$30,000 be paid in specie, and a specie reserve be held equal to one-third of its notes issued; besides this, it had to meet the other provisions of its charter.<sup>1</sup>

Considerable reduction was made in the capital of other banks, both on account of losses and also because, in the depression succeeding the panics of 1837 and 1839, they were unable to employ profitably their entire capitals. The Chesapeake Bank reduced its capital from \$500,000 to \$350,000; the Farmers' and Planters' from \$1,000,000 to \$600,625; the Farmers' and Merchants' from \$500,000 to \$400,000; the Western from \$604,300 to \$308,280; the Frederick County from \$500,000 to \$150,000; the Washington County from \$250,000 to \$150,000. The Merchants' was authorized to invest \$500,000 in its own stock, since it could not employ it all in ordinary banking operations.<sup>2</sup> The voluntary reduction, together with that from failures, amounted in all to \$2,325,395; of this amount, at least \$715,000 was due to loss.

### 17. *Other Details.*

In the various great works projected at this time, the Chesapeake and Ohio, the Tidewater and the Annapolis Canals, the Baltimore and Ohio, the Baltimore and Washington, the Susquehanna, the Eastern Shore and the Annapolis and Elkridge Railroads, the State subscribed over \$16,300,000. These obligations placed the State under a constantly-increasing debt, even the interest upon which the State revenue was inadequate to pay, after providing for the current expenses. The panic had rendered the negotiation in Europe of loans upon American securities impossible upon favorable terms. Immediately after the suspension of 1837, Maryland made a desperate effort to pay her creditors in gold and silver, but the extent of its obligations compelled the discontinuation of this policy. In 1842 it was unable to

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<sup>1</sup> Md. Laws, 1844, ch. 276.

<sup>2</sup> Ibid, 1843, ch. 85.

pay the interest due. The system of general taxation which had been introduced was not providing sufficient revenue, so in 1843 it was deemed necessary to dispose of the State's interest in the public works, amounting to \$11,700,000, but no acceptable offer was made. In January, 1846, effort was made to sell the bank stock belonging to the State to the amount of \$510,966. The proposition passed the House by a large majority, but failed by a single vote in the Senate. Through loans from the banks and private individuals, the State was enabled to avoid open bankruptcy until the system of taxation provided an adequate revenue. Resumption of interest payment was made January 1, 1848.

For some years the State had been commuting to money the right to subscribe to the stock of the several banks, and to appoint directors in them. The proceeds were applied to current expenses. This first occurred in 1828, when the Commercial and Farmers' Bank of Baltimore agreed to pay \$9533 $\frac{1}{3}$  on condition that the State give up the right to subscribe 286 reserved shares, and also the right to appoint directors. It could still, however, vote on the shares held by it.<sup>1</sup> The right to subscribe 1000 shares in the Union<sup>2</sup> Bank, 5000 shares in the Merchants'<sup>3</sup> and 500 shares in the Hamilton<sup>4</sup> were in like manner offered by the State to the banks at prices varying from \$6 to \$10 per share. The right to appoint directors in the Farmers' and Merchants' Bank was offered to the bank for \$5000, the right to vote on the shares being retained.<sup>5</sup>

In 1841 the fight against bill brokers and note shavers was renewed. The first step was to raise the cost of their license to \$3000 yearly. The penalty for exchanging and purchasing bills without a license was fixed at \$500 for each offence.<sup>6</sup> The banks were released from all obligation to redeem their

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<sup>1</sup> Md. Laws, 1827, ch. 215.

<sup>2</sup> Ibid., 1827, ch. 216. Ibid., 1827, ch. 185. Ibid., 1833, Resolution.

<sup>3</sup> Ibid., 1836, ch. 154.

<sup>4</sup> Ibid., 1836, ch. 198.

<sup>5</sup> Ibid., 1833, ch. 115.

<sup>6</sup> Ibid., 1841, ch. 282.



notes in specie for any foreign or domestic broker.<sup>1</sup> The next year these conditions were mitigated to considerable extent by a reduction of the cost of license to \$50.<sup>2</sup> This was brought about by the inconvenience arising from the mass of depreciated and uncurrent paper money, chiefly of banks of other States, which by means of the brokers could be exchanged for reliable currency.

In 1837 there was further legislation to prevent the fraudulent manipulation of stock in the election of officers. It provided that stockholders intending to canvass the votes must notify beforehand an officer of the bank; this officer, in turn, had to notify all the stockholders residing in the State. Upon voting, each stockholder had to swear that the stock which he was voting was his bona fide property, or was held by him in some fiduciary relation, and was not transferred to him to increase the number of votes. Persons voting by proxy had to make this oath before some qualified officer of the State. Directors had to make oath that they had not acquired shares to qualify themselves for office.

General permission was extended to all the banks in 1844 to make loans upon promissory notes or obligations under seal, secured by mortgage, for any period up to five years at 6 per cent.<sup>3</sup>

In 1833 an act was passed subjecting stocks and funded property to attachment and execution for debt. The proceedings were similar to those regarding real estate.

18. *Increase of Banking Capital, 1843-62.*

By the middle of the century the financial troubles of Maryland, brought on by its participation in the construction of internal improvements, had been adjusted, and the fruits of these public works were being realized in the rapid development of its resources. The canals and railroads were making Baltimore the commercial center and shipping point for the coal, lumber and agricultural products of Western Pennsylvania and the Ohio region. The Southern States,

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<sup>1</sup> Md. Laws, 1841, ch. 302, sec. 8.

<sup>2</sup> Ibid., 1842, ch. 257.

<sup>3</sup> Ibid., 1843, ch. 269.

which were almost entirely devoted to cotton and tobacco culture, drew from Maryland a large part of their breadstuffs. From 1848 to 1858 the South American trade of Baltimore was at its zenith.

After the industrial revival which followed the disturbance of 1837-42 had begun, the inadequacy of Baltimore banking capital became a matter of common concern among merchants, and various means were adopted within a few years to stimulate its increase. Old banks were allowed to enlarge their capitals; new ones were incorporated, and savings institutions were changed to regular banks of discount and issue. Some savings banks were allowed the power of issue. Effort was made to secure the passage of a free banking law.

The formation of new banks proceeded gradually from 1843 to 1862; from 1853 to 1858 the rate of increase was a little greater than before. The total number of new banks incorporated, exclusive of those which had been operating before as savings banks, was seventeen, and the amount of capital allowed them by their charters was \$3,000,000. One of these banks failed to go into operation, and the charters of two others were repealed by the Legislature, deducting in all \$350,000 from the total just mentioned. Two of these banks, representing \$800,000 nominal capital, were located in Baltimore.

Seven savings institutions were regularly incorporated as banks and allowed all the privileges usually given to banks under the laws of the State. The conversion of savings banks to regular banks had occurred in two cases previously to this time. The Western Bank of Baltimore had been formed in 1835 from the Mechanics' Saving Fund Society, and at the same time the Fell's Point Savings Bank was authorized to become the Eastern Bank of Baltimore; the latter, however, did not change. The total authorized capital of these seven banks was \$1,800,000, of which \$1,400,000 belonged to the four located in Baltimore. The chief advantages gained by these banks were the power of issue and less restriction in their investments. The savings banks

were generally limited to investing in bonds and securities; some were allowed to discount up to two-thirds the amount of their deposits. In making the change they became subject to the laws controlling banks generally. Two of them were allowed to continue the practice of receiving weekly deposits and paying interest on them up to 6 per cent.<sup>1</sup> The practice of paying interest on deposits left for a specified time had already become general among the banks.

It is impossible to conjecture the extent of the business done in Maryland by savings banks, except so far as their number gives an indication. Though two or three had been incorporated before 1830, about that time they first became of importance in Maryland. The increase of their number corresponds in time to the increase of the regular banks. Up to 1842 nineteen had been established in the counties and eleven in Baltimore. In most cases they simply invested their deposits and had no capital stock. Between 1842 and 1861 twenty-nine were chartered, eight of which were in Baltimore. Of the total number a capital limit was fixed for sixteen, aggregating in all \$2,800,000. They were required to send no reports to the State treasurer, and the magnitude of their operations is unknown. A very small number of failures occurred, only two or three.<sup>2</sup>

One peculiar feature of Maryland savings banks which appears to have developed in no other State, was the right given to some of them to issue notes to circulate as money. This privilege was first conferred by the Legislature in 1844, and by 1860 nine savings banks had acquired this power. In nearly every case it was the subject of a special act of the Legislature, and was not included in the charter. The limit for issues was usually, as for other banks, the amount of the capital paid in. For the Howard Street Savings Bank it was fixed at one-fourth of the deposits, and one-fourth of the deposits was not subject to withdrawal, but formed a

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<sup>1</sup> Md. Laws, 1856, ch. 109. Ibid., 1856, ch. 340.

<sup>2</sup> That of the Maryland Savings Institution in 1834 was the most important. Niles, 1834, May 10 and June 7. Scharf, *History of Maryland*, Vol. III, p. 176.

fund for note redemption.<sup>1</sup> The Fredericktown Savings Institution was allowed to issue up to \$30,000, provided it kept as a redemption fund \$15,000 in certificates of Maryland, Baltimore, United States or Chesapeake and Ohio Canal stocks.<sup>2</sup> Others were required to keep a redemption fund of State stocks or specie equal to one-half the issues. In each case the school fund tax was required, twenty cents on the hundred dollars of capital paid in or of notes issued,<sup>3</sup> as the case might be. In one or two cases a bonus also was required, as likewise was an annual report to the treasurer.<sup>4</sup>

TABLE OF MARYLAND BANKS CHARTERED 1843-62.

NAME.	LOCATION.	DATE.	CAPITAL.
Havre-de-Grace	Havre-de-Grace	1843	\$200,000
Valley,*	Hagerstown,	1847	100,000
Cecil,	Port Deposit,	1849	100,000
Farmers' and Mechan- ics' of Kent Co.,	Chestertown,	1849	150,000
Farmers' and Mechan- ics' of Carroll Co.,	Carroll Co.,	1849	300,000
Howard Co.,†	Ellicott's Mills,	1853	150,000
Easton,	Easton,	1853	150,000
Central,	Frederick,	1853	150,000
Commerce,	Baltimore,	1854	300,000
Farmers' and Mer- chants',	Greensborough,	1856	100,000
Queen Anne's Co.,	Centreville,	1856	100,000
Farmers' and Mer- chants' of Cecil Co.,	Elkton,	1862	100,000
American,	Baltimore,	1856	500,000
Patapsco,†	Ellicott's Mills,	1856	100,000
Alleghany Co.,	Cumberland,	1858	250,000
Clinton,	Westernport,	1858	100,000
Delaware City,	Delaware City,	1862	100,000
			\$2,950,000

\* Did not open.

† Charter repealed.

<sup>1</sup> Md. Laws, 1849, ch. 456.<sup>2</sup> Ibid., 1849, ch. 290.<sup>3</sup> Ibid., 1849, ch. 325.<sup>4</sup> Ibid., 1849, ch. 290.

TABLE OF BANKS FORMED FROM SAVINGS BANKS.

NAME.	LOCATION.	DATE.	CAPITAL.
Howard . . . . .	Baltimore.	1854	\$300,000
Exchange . . . . .	Baltimore.	1856	500,000
People's . . . . .	Baltimore.	1856	250,000
Union . . . . .	Hagerstown.	1856	150,000
Frostburg . . . . .	Frostburg.	1856	100,000
City . . . . .	Cumberland.	1858	150,000
Fell's Point . . . . .	Baltimore.	1862	350,000
			<hr/> \$1,800,000

TABLE OF SAVINGS BANKS HAVING POWER TO ISSUE.

NAME.	LOCATION.	DATE.	CAPITAL.
Fell's Point . . . . .	Baltimore.	1844	\$80,000
Hagerstown . . . . .	Hagerstown.	1846	100,000
Fredericktown . . . . .	Fredericktown.	1849	. . .
Cumberland . . . . .	Cumberland.	1849	. . .
Howard Street . . . . .	Baltimore.	1849	. . .
Somerset and Worcester .	Snowhill.	1858	100,000
Franklin . . . . .	Frederick.	1860	150,000
Manchester . . . . .		1860	. . .
Old Town . . . . .	Baltimore.	1860	. . .

To encourage the growth of banking capital the Assembly made a general law, March 8, 1854, allowing the banks of Baltimore to increase their capitals at times suiting their convenience, simply upon reporting the increase to the State Treasurer and paying the school tax fund. Not less than \$100,000 might be added at any one time, and the maximum amounts were as follows:

Banks of \$1,000,000 capital and over might enlarge to \$2,000,000; banks of \$900,000 to \$1,000,000 might enlarge to \$1,500,000; banks of less than \$900,000 might enlarge to \$1,000,000.

Between the time of resumption in 1842 and the passage of the above act the old banks had added \$289,000 to their



capital. Within five years after the act was passed \$1,458,000 had been added; reductions, however, offset this increase to the amount of \$397,000. The total increase of active banking capital from all sources was \$2,823,000, from \$9,746,000 in twenty banks in 1843 to \$12,569,000 operated by thirty-one banks in 1858. From 1858 to 1862 the reduction was greater than the increase from new banks.

19. *Expansion, 1845-57.*

After the period of liquidation which followed the panic of 1839, the banks began again to extend their credit, and in 1847 and 1848 this movement became accelerated under the stimulus of the general industrial prosperity. The enlargement of discounts proceeded regularly until 1854, when a temporary reaction occurred, on account largely of the disturbed condition of financial relations with Europe. After this check the process of expansion continued until 1857. This increase of bank notes, however, to a large extent took the place of the silver coins, which by 1850 had almost entirely disappeared from circulation. From 1850 to 1854 the quantity of money in circulation was too small to perform conveniently its uses, and there was a constant demand for more money.<sup>1</sup> The State attempted to relieve the situation by the charter of new banking companies, by allowing all banks to double their issues, i. e., to issue up to twice the amount of their capital paid in, and finally, by the permission granted to certain savings banks to issue.

The State had always insisted strenuously that the money of denominations under five dollars should be coin, and only under exceptional circumstances had it departed from this rule. In 1851 silver dollars and half-dollars had become so scarce that some of the banks had again adopted the expedient of issuing notes of denominations under five dollars, and the small notes of banks of other States also circulated in Maryland in considerable numbers. The Legislature in May, 1852, forbade both their issue by Maryland banks after

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<sup>1</sup> *Baltimore American*, Mar. 19, 1852. *Bankers' Magazine*, Feb., 1853.

March, 1853, and also the receipt or payment of such notes of banks located outside the State under penalty of five dollars for each offence.<sup>1</sup> The inconvenience of the lack of small currency was felt on all sides, and quite an agitation was aroused to procure the repeal of the law. The Baltimore City Council by almost unanimous vote requested this action, but without avail.<sup>2</sup> After 1854 the quantity of specie in circulation increased in a marked manner, owing to the influence of the newly-found gold mines.

Throughout the period 1843-57 the quantity of specie in the hands of Maryland banks was always large in proportion to circulation. During these years there was always an amount of specie in the possession of the banks equal to more than half the circulation, and the ratio of specie to circulation and deposit combined was never less than 1 to 4. The following items from the reports of the banks will show these points:

YEAR.	CIRCULATION.	DEPOSITS.	SPECIE.
1843	\$1,743,768	\$2,977,174	\$2,537,822
1847	2,400,267	3,863,891	2,005,078
1851	3,532,870	5,966,834	2,738,834
1854	4,918,381	8,621,052	3,405,090
1857	5,155,096	9,611,324	3,522,561

The condition of all the banks was sound, and all redeemed their notes in specie; no Maryland bank paper was at a discount within the State. In New York the notes of Baltimore banks were at a slight discount, about equal to the cost of having them exchanged. The notes of the less well-known banks of the State were quoted in New York at a small discount ranging from one-half to four per cent.

The greatest abuses of the period were, first, the issues of unknown and worthless banks, chiefly Western and South-

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<sup>1</sup> Md. Laws, 1852, ch. 235.

<sup>2</sup> *Baltimore American*, Mar. 19, 1852. *Baltimore Patriot*, Jan. 24, 1853. *Bankers' Magazine*, Feb., 1853.

ern, which made their way into all quarters of the country, furnishing a mass of greatly depreciated notes upon the exchange of which the note brokers thrived; secondly, the appalling amount of counterfeiting. The various registers and reporters of counterfeit notes, published monthly or quarterly, gave information to the public of the many counterfeits in circulation.

#### 20. *General Banking Law.*

The call for an increased banking capital led in the early fifties to an agitation for free banking under a general law; the time seemed especially auspicious, too, for this movement, since the old charters had expired in the course of the years 1854-60. The matter was brought up in the Senate in 1852, and a committee was appointed to consider it. The committee viewed the proposition favorably, and offered a bill which resembled in most respects the New York law of 1838.<sup>1</sup> The committee recited that in its estimation freer access to banking privileges would be an advantage, and that banking operations could be conducted as well under a general law as under separate charters, and that, except when necessary, the Constitution of the State discountenances the granting of special corporate powers.<sup>2</sup> It was argued that the government owed to the people security from loss on the currency, the issue of which was a function of sovereignty which had been bestowed upon the banks, and the committee could see no means of securing protection of notes otherwise than by requiring as security from all institutions having the power of issue, the pledge of property to at least an amount equal to their circulation. The policy of the banks of Venice, Barcelona, Genoa and England had been to invest their capital in permanent securities, and to use the credit for purposes of discounting. Several of the United States had adopted the plan, and in practice it had worked well.

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<sup>1</sup> Report of Select Committee . . . on a General Banking Law, Mar. 30, 1852.

<sup>2</sup> *Ibid.*, p. 1.

The innovations proposed in the bill were as follows:

1. Organization. Any number of persons might associate to establish offices of discount, deposit and issue. They must specify the name and location of the institution, its capital and the amount of each share, the name, residence and number of shares of each stockholder, and the date of commencement and expiration of the institution.

2. The president was required to make a list of stockholders, and the number of shares held by each, and to file it in the office of the clerk of the Circuit Court.

3. Upon application of a thousand stockholders, any court or judge possessing equity jurisdiction might order an examination by the auditor of the court or by a special commissioner, to ascertain the safety of the public interests, and the results of the investigation were to be published.

4. Upon deposit of United States or Maryland 6 per cent. bonds with a State officer, the officer was directed to sign and register notes for circulation, furnished by the bank, to an amount equal to the bonds deposited. Such notes were to be stamped "Secured by the Pledge of Public Stocks." The banks by powers of attorney were to continue to receive the interest on the bonds, unless the bank failed to redeem its notes or the State officer thought the security was becoming insufficient. After protest of a bank's notes, and after an order had been issued upon the bank for their payment by the specified State officer, the officer was directed to redeem the notes and to auction the bonds for this purpose.

5. No officers were allowed to borrow.

6. Banks might increase their capital at will.

7. Statements were to be rendered to the State whenever required; upon failure to give them, the business operations of the bank were to cease and a receiver was to be appointed by any court or judge having an equity jurisdiction.

These were the leading provisions which it was proposed to introduce into Maryland banking law at this time. Their strong feature was the security which they offered for bank notes, the beneficial operation of which system in several

States was attracting attention at this time.<sup>1</sup> However, the question of special security for bank notes was not then a sufficiently vivid one to be effective in the passage of the bill. Little or no loss had occurred in Maryland from this source for twenty years. On the other hand, the deposit of bonds equal to the amount of notes issued tended to restrict elasticity of the currency; the banks would generally deposit in bonds the amount of their average issues, to avoid the investment of so much of their funds in this manner which they might employ more profitably in discounting. Any response to the demands of industry would thus be slow and unnatural. This was the direct opposite of the object desired.

Leaving out of consideration the security of note issues, in some other respects the bill was weak. The careful provisions in regard to the payment of capital which had been found necessary in practice, were wanting, and any details or adjustment to suit special cases was impossible in a general law.

After somewhat considerable discussion in the Senate the bill was tabled.<sup>2</sup> At the following session of the General Assembly the question was revived and referred to the Committee on the Currency, but no action was taken.<sup>3</sup>

A general banking law was, however, adopted in 1853, but it was simply a collection of the laws of the State governing banks, with a few modifications, reënacted in a single law, and all the banks were made subject to it, both those already existing and those subsequently chartered. The occasion of the passing of the law was the expiration of the charters of twenty banks of the State. These were all continued to 1880, subject to the restrictions of the law. The only new regulations were the following:<sup>4</sup>

1. Regulating voting.

For 1-10 shares, the holder was entitled to 1 vote each.

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<sup>1</sup> Cf. Report of Select Committee . . . on a General Banking Law, March 30, 1852.

<sup>2</sup> *Md. Senate Journal*, Apr. 13, 1852

<sup>3</sup> *Ibid.*, 1853, pp. 290 and 451. <sup>4</sup> *Md. Laws*, 1853, ch. 441.



For 10-100 shares, the holder was entitled to 1 vote for every two.

For 100 and over, the holder was entitled to 1 vote for every five.

2. The president and majority of the directors were to constitute a board for ordinary business and discounting.

3. Discounts and loans for directors were absolutely prohibited, under pain of fine or imprisonment for violation.

4. Interest upon deposits was limited to 3 per cent. per annum.

5. The State Treasurer was to have a semi-annual statement of the condition of each bank, which was to be published in the county in which the bank was located.

6. The school fund tax was continued.

The free banking principle was entirely omitted; the Legislature continued to hold within its hands the power to extend banking privileges. No special provision was made for the security of bank notes. The regulations of the law were much more minute than those of the free banking bill proposed in 1852.

The Act of 1854, chapter 152, should be taken in connection with the above law. By the general law issues, as previously, were restricted to the amount of the capital paid in; by the law of 1854 banks having a paid-in capital of less than \$250,000 were allowed to issue up to double that amount. The explanation of this step lies in the fact that the amount of currency was found to be inconveniently small;<sup>1</sup> the extension of bank issues was the most available remedy at hand.

## *21. Crisis and Suspension of 1857.*

The continual expansion along all lines throughout the entire country during the years 1842-57 culminated in disaster in 1857. The speculative condition of industry stimulated the issues of the banks until in 1857 a climax was reached. The currency, becoming increasingly inflated from 1853 to 1857, was highly conducive to over-trading, over-importation, stock speculation, etc. The reaction was

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<sup>1</sup> See p. 114, et seq.

first felt in the Western States in the summer of 1857, and many Eastern firms, creditors of Western concerns, soon failed. Bills on Eastern points were at 10 to 15 per cent. premium. New York was the first Eastern city affected by this panicky state of affairs, but until the middle of October its banks were able to resist suspension. A run began on the deposits of Eastern banks in September, and on September 25 the banks of Philadelphia suspended; on the 26th those of Baltimore did likewise, and the banks of Cumberland, Frederick and other towns followed soon.<sup>1</sup> The deposits of Baltimore banks January 4, 1858, were \$1,683,861 lower than on the same day of the previous year. This heavy drain upon the specie reserve reduced its amount \$829,359.

The condition of the banks was sound, but suspension was a matter of self-preservation when the creditor banks of Philadelphia had suspended and those of the South were on the point of doing so. Every facility in the line of discounts within their power was rendered by the banks to relieve the situation. By January 1, 1858, the diminution of discounts was \$902,256, less by almost half than the withdrawal of deposits. The amount of circulation outstanding decreased \$337,000. Even after this strain the condition of the Baltimore banks was comparatively strong.

#### ITEMS OF BALTIMORE BANK STATEMENTS, 1851-1858.\*

DATE.	CAPITAL.	DISCOUNTS.	SPECIE.	CIRCULATION.	DEP'T.
Jan. 6, 1851	\$6,101	\$11,783	\$2,330	\$2,281	\$4,528
" 5, 1852	7,141	11,428	1,967	2,180	3,912
" 3, 1853	7,291	14,291	2,992	3,328	6,021
" 2, 1854	7,592	14,969	2,848	2,956	6,962
" 1, 1855	8,576	14,279	2,485	2,638	5,858
" 7, 1856	9,065	16,397	2,832	3,388	6,485
" 5, 1857	9,777	18,704	2,998	3,395	7,765
" 4, 1858	10,160	17,802	2,169	3,058	6,082

\* *Bankers' Magazine*, Vol. VII, p. 655. (Three figures omitted.)

<sup>1</sup> *Bankers' Magazine*, Vol. VII, p. 426.

The money market in Baltimore grew tighter toward the end of 1857, and interest was charged at 1 to 1½ per cent. per month. Exchange on New York was 4½ to 5 per cent. premium. An effort was made in New York to resume December 13, and discounts were contracted and specie procured for this purpose.<sup>1</sup> The time seemed rather unfavorable, since the exportation of specie at the rate of \$2,000,000 or \$3,000,000 a week had succeeded the importation of a few weeks previous. Baltimore bank notes were at par in Maryland, and those of country banks were at very slight discount. The public seems to have exerted very slight pressure upon the banks to resume. The *Baltimore Patriot*, speaking of resumption, said: "The banks, we feel confident, are amply prepared to meet any emergency, but as a mutual dependence and reciprocal interest exist between them and the community, neither can entertain any desire to hamper or oppress the other. Whatever advantage can arise from a state of suspension, let it be enjoyed, allowing ample time for all to participate, as far as prudence may dictate. Business must be resumed and take an active turn before wonted ease and confidence find full restoration. Viewing matters in this light, we are safe in asserting that resumption of specie payments by our banks, at so early and injudicious a period as the first of January next, is not contemplated."<sup>2</sup> The banks, though able to resume at any time, preferred to wait for a general resumption, or at least until after the Philadelphia banks had resumed, the time for which had been set at April 1, 1852.<sup>3</sup> The Virginia banks also resumed about this time.

The greatest nuisance of the suspension was the mass of foreign depreciated paper, which could only be disposed of through the bill brokers by paying a large discount. The banks would not receive it; in fact, again, as in the suspension of 1814, the Baltimore banks refused to receive the

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<sup>1</sup> *Baltimore American*, Dec. 14, 1857. *Bankers' Magazine*, Vol. VII, p. 583.

<sup>2</sup> *Baltimore Patriot*, Dec. 20, 1857.

<sup>3</sup> *Baltimore American*, Jan. 7, 1857.

notes of Maryland country banks, which not only caused great inconvenience, but also reacted upon the banks, causing a greater depreciation of their paper.<sup>1</sup> This condition of affairs offered opportunity to the banks of making arrangements with brokers and of sending out agents to buy up their notes at the lowest possible prices. This scheme was worked not only by the country banks, but also the city banks quietly sent their agents to foreign points for this purpose.<sup>2</sup>

In the spring of 1858 there was an agitation for the publication of weekly statements by the banks, a custom which had been introduced in New York in 1853. At the spring session of the General Assembly a bill was presented to compel the Baltimore banks to publish a weekly statement and those of the counties to publish one monthly in some one paper of their respective counties. The measure failed in the House of Delegates by a vote of 38 to 28.<sup>3</sup>

The failure of two country banks, both of Allegany County, resulted from the crisis. The Cumberland City Bank, which had been established in May, 1858, made an assignment on November 26 of the same year. Noteholders and depositors were made preferred claimants. The loss could not have been large. The report of the trustees, January, 1859, shows the following items:<sup>4</sup>

Liabilities—Circulation . . . . .	\$23,857
Deposits and Notes of Banks . . . . .	836
	<u>\$24,693</u>
Assets—Cash . . . . .	\$3,478
Banks . . . . .	1,613
Discounts, Good . . . . .	12,803
“ Doubtful and Bad . . . . .	11,603
	<u>\$29,497</u>

<sup>1</sup> *Baltimore American*, Oct. 21 and 27, 1857. <sup>2</sup> *Ibid.*, Oct. 27, 1857.

<sup>3</sup> *Ibid.*, Mar. 10 and 13, 1858.

<sup>4</sup> Scharf, *Western Maryland*, Vol. II, p. 1447. Lowdermilk, *History of Cumberland*, p. 386.

The Mineral Bank, also located in Allegany County, failed October 5, 1857. The total liabilities were \$199,681. The trustees paid 83½ cents on the dollar and the expenses of settlement.<sup>1</sup>

22. *The Baltimore Clearing House.*

Just after resumption in 1858 the banks of Baltimore resolved unanimously to form a clearing house. It began business Monday, March 8, 1858. In its purpose and operation it is very similar to those of New York, Boston and Philadelphia, though there are differences of detail arising from differences in the magnitude of business transacted.

The purpose of the association was stated to be "a more perfect and satisfactory settlement of the daily balances between them and the promotion of their interests." The daily exchanges were to be effected at one time and place, and at the same place the payment of balances resulting from the exchanges was to be made. The depository bank was to be in nowise responsible in regard to exchanges and balances, except so far as balances were actually paid into the bank. The bank was not bound to admit reclamations for errors in money paid out under its seal, where the money had passed into the hands of parties not members of the association. Errors in the exchanges and claims arising from the return of checks or from other causes, were to be adjusted by 11 o'clock A. M., directly between the banks which were parties to the transaction, and not through the clearing house. In case of refusal or inability of any bank to pay promptly checks, drafts or other items returned as not good, the amount of such items was to be deducted by the manager from the settling sheet of both banks.

The officers were to be a president, vice-president, secretary and an executive committee of five, all chosen annually. Each bank had to be represented at every meeting, and was entitled to one vote. The executive committee were to investigate any matter referred to them pertaining to the bank-

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<sup>1</sup> Scharf, *Western Maryland*, Vol. II, p. 1447. Lowdermilk, *History of Cumberland*, p. 385. Md. Laws, 1858, ch. 291.



ing interests of the city; they had charge of disciplining, examining and suspending members of the association.

The association appointed one of its members a depository of such money, derived from the exchanges, as any of the banks cared to leave on special deposit, for safe-keeping, and for this the depository was to issue certificates signed by the cashier or president, which might be received in payment of balances, at the clearing house, and which were negotiable only among the associated banks. Money on special deposit could not be used by the depository bank for any purpose but the payment of certificates.

The depository bank had the whole management, and did all the service of the clearing house, paid all expenses, and was responsible for the money received by it in payment of balances due by the various banks. For these services the depository bank received annually thirty cents on the \$1000 of the capital of each bank belonging to the association.

Admission to the association was obtained by application to the executive committee, which had an examination made of the bank applying. A three-fourths vote of the association gave admission. All banks, members of the association, had to have their principal office in Baltimore, and had to be organized under the laws of Maryland, with a paid-up capital of at least \$200,000. An admission fee of \$500 was charged. The cashier of the depository bank was by the constitution the manager of the clearing house, and he had charge of the transaction of all business.

The method of business was as follows: The hour for exchanges was 9 A. M. sharp. For five minutes' tardiness or less a fine of one dollar was imposed; for the second five minutes' tardiness, or part of it, one additional dollar fine; for over ten minutes late the fine was three dollars. One dollar fine was imposed if errors in exchanges were not corrected before 11 o'clock. By 11 o'clock the debtor banks paid the balances due from them either in money or certificates. One dollar fine was payable for failure to appear at this time. The creditor banks at 12.30 P. M. could receive the balances due them in money or certificates, at their op-

tion, provided by that time all the debtor banks had paid. Any member unable to pay its indebtedness to the clearing house on any day had to return all checks, drafts, notes and bills of exchange that had been presented to it that day, and the manager returned them to the members from whom they were received, and they reimbursed the clearing house to that amount. If any member failed to pay its balance by 11 o'clock, and did not return the checks and other instruments received, the executive committee and the bank were notified by the manager, and if by 12.30 the balance was not paid, the bank was ruled out by default, and the other banks immediately reimbursed the clearing house to the amount of their balances against the defaulting bank for that day.

The chief point of difference from the New York plan was the appointment of one member of the association the depository bank, in whose banking rooms the transactions of the clearing house were performed, and whose cashier was manager of the clearing house. The smaller number of banks clearing and the smaller amount of business cleared in Baltimore, in comparison with other cities, permitted this less specialized form of organization. The number of banks clearing at this time was 31. No accurate indication of the extent of clearings before 1864 can be given. Statements of these facts were never published by the clearing house at the time, and the records of these years have been destroyed. No clearing-house loan certificates had been issued up to 1864.

### *23. Suspension of 1860.*

The recovery from the crisis of 1857 was very rapid; the first nine months of the year 1860 was one of the most prosperous seasons in our history. The grain crops were good; the cotton production was unparalleled. After the fall election, however, the attitude of the South created great alarm, and the previous expansion gave way to contraction and preparation for the threatening emergency. Diminished imports brought considerable gold into the country. The banks were strengthening their position. A change of tariff

reduced the revenue from this source, and to meet its needs the government issued \$250,000,000 in treasury notes.

The commercial and financial relations of the Northern cities with the South were in a very uncertain condition, and Northern creditors were eagerly trying to insure themselves by early settlements of their affairs with Southern correspondents. Immediately after the election the Southern banks felt the withdrawal of their gold, and it was thought that political motives had much to do with the removal of their specie resources to Northern banks. At any rate, the Virginia banks decided that their commercial, financial and political interests demanded that they stop this flow to the North by suspension, which they did November 20. Other Southern banks followed on succeeding days.<sup>1</sup>

This course necessitated the same action upon the part of Baltimore and Philadelphia banks, which were heavy creditors in Virginia and elsewhere in the South. They accordingly suspended November 22. Such a contingency had been anticipated, and preparation had been made for it in Baltimore, but the restriction of the banks was inflicting upon the commercial community the greatest hardships. For several days preceding the suspension it had been almost impossible to negotiate loans upon any terms.<sup>2</sup> This stringency was alleviated after the suspension as far as circumstances permitted, and the public reaped a substantial benefit. This is shown in a comparative statement of the Baltimore banks for January, 1860, and January, 1861:

	JAN., 1860.	JAN., 1861.
Capital . . . . .	\$10,328,120	\$10,408,120
Investments . . . . .	679,300	679,300
Discounts . . . . .	17,533,728	18,767,936
Circulation . . . . .	3,182,106	2,670,296
Deposits . . . . .	7,351,519	7,656,798
Specie . . . . .	2,360,870	1,850,522

<sup>1</sup> *Bankers' Magazine*, Vol. XV, p. 485.

<sup>2</sup> *Baltimore Patriot*, Nov. 22, 1860. *Baltimore American*, Nov. 22, 1860.

During February and March, 1861, the banks of both Philadelphia and Baltimore prepared for resumption, but the suspension continued in the South, and rendered the resumption of specie payments in Maryland hazardous. Affairs generally, however, soon wore a much more serious aspect, and resumption was indefinitely postponed.

In the fall of 1861 the government borrowed \$100,000,000 in gold of the banks. It was desired by the banks that the Secretary of the Treasury leave this money with them and call for it as need required; this, however, the Secretary refused to do, and the specie of the banks was drained in paying the instalments of the loan. Again, the Secretary had no strong policy to put forward for the government, and matters went from bad to worse. The drain of gold continued throughout November and December, 1861, and the banks generally drifted into suspension toward the last of December without great resistance.

Gold immediately rose to 1 to 2 per cent. premium. The quantity of bank paper and treasury notes, perhaps \$400,000,000 in all, drove the gold from circulation. The government, to tide it over the crisis, began in April, 1862, the issue of legal tender paper money. The premium on gold increased and exchange became very high. By August, 1862, all specie had disappeared from circulation. Further issues of legal tender notes followed, and the inflation proceeded until gold was at 140 to 150, and later in 1863 at 200 to 220. American bonds could not be sold abroad, and to create a market for them the National Bank Act was passed February 25, 1863, though it did not become operative until the next year.

After the issue of government legal tender notes had begun, the banks redeemed their notes in this government paper when required, but the restoration of specie payments did not occur until 1879.

The protracted suspension and the entire disappearance of metal money at an early date necessitated legislation in Maryland to prevent the infliction of the penalty prescribed



for suspension—forfeiture of charter—and to provide a small currency. In May, 1861, it was made legal for the banks to use notes or certificates of deposit less than one dollar up to 10 per cent. of the capital paid in, though any bank might issue \$5000 in this manner. The act only applied to banks already having the power of issue, and its duration was limited to two months after the session of the General Assembly in 1864.<sup>1</sup> The following year (March, 1862) this law was repealed, and the banks were allowed to issue up to 20 per cent. of their paid-up capital in notes under five dollars, but none were to be under one dollar in denomination.<sup>2</sup> This law was to terminate May 10, 1864. By the law of 1864, chapter 13, the privilege was continued indefinitely.

Article 12, of the Code of General Public Laws, rendering banks suspending liable to forfeiture of their charters, was amended by the Act of May 3, 1861,<sup>3</sup> so that no corporation authorized to issue notes for circulation was subject to any forfeiture or penalty for not redeeming in specie before March 11, 1862. On March 8, 1862, the exemption was extended to March 11, 1864.<sup>4</sup>

The great number of counterfeits current led to the repeal of the old law and the substitution of one more carefully worded, so as to prevent evasions. The penalty, two to ten years in the penitentiary, was continued.<sup>5</sup>

During the first year of the suspension the discount line of Maryland banks advanced about \$1,500,000, though the amount of circulation decreased. During 1862, in the midst of inflation, Maryland banks expanded beyond prudence. The discounts increased \$6,500,000 within the year; the circulation jumped up \$2,900,000 and the deposits \$6,100,000. The quotations of stock for January, 1862, and January, 1864, show the effects of the expansion. Whereas in 1862 the stock of most of the Baltimore banks was more or

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<sup>1</sup> Md. Laws, 1861, ch. 11.

<sup>2</sup> Ibid., 1862, ch. 138.

<sup>3</sup> Ibid., 1861, ch. 6.

<sup>4</sup> Ibid., 1862, ch. 178.

<sup>5</sup> Ibid., 1862, ch. 82.



less below par, by 1864 the increased profits from a large circulation had raised them all to a premium. The same process continued throughout 1863, and in January, 1864, the Baltimore banks were in a condition which would have been risky under any other circumstances than in a general suspension. Loans were increased \$2,200,000 during the year, and circulation and deposits increased proportionately. A comparative statement of their condition in January and July, 1863, and January, 1864, follows:<sup>1</sup>

RESOURCES.	JAN., 1863.	JULY, 1863.	JAN., 1864.
Loans . . . . .	\$18,884,027	\$19,780,917	\$21,058,135
U. S. Stocks . . .	2,352,522	3,177,201	3,630,775
Real Estate . . .	414,450	360,526	444,154
Other Stocks . . .	937,039	49,014	1,488,702
Due from Banks . .	1,701,512	1,443,308	1,654,096
Notes of Banks . .	1,718,238	1,800,485	2,555,780
Specie . . . . .	1,810,663	1,967,179	1,553,495
Totals . . .	\$27,818,451	\$28,578,630	\$32,385,137
LIABILITIES.			
Capital . . . . .	\$10,305,295	\$10,305,295	\$10,305,295
Circulation . . . .	4,562,875	4,800,860	6,421,059
Deposits . . . . .	9,917,620	10,522,446	11,410,590
Due to Banks . . .	1,800,879	1,758,022	2,469,361
Profits . . . . .	1,231,782	1,193,007	1,742,468
Miscellaneous . . .	. . . . .	. . . . .	36,364
Totals . . .	\$27,818,451	\$28,578,630	\$32,385,137

#### 24. *Effects of the National Bank Act.*

The passage by Congress of the National Bank Act, or, as it was entitled, "An Act to provide a national currency," primarily a financial scheme to float bonds necessitated by the Civil War, brought before the State banks the question

<sup>1</sup> *Bankers' Magazine*, Vol. XVIII, p. 771.

of reorganization. The defects and incompleteness of the first act, passed in February, 1863,<sup>1</sup> rendered its effect upon the State banks comparatively slight. In Maryland but one bank, the Fell's Point, asked permission of the Legislature to reorganize.<sup>2</sup> The law passed in June of the following year<sup>3</sup> was much more effective in producing the desired results, and finally by the taxation of all State bank notes at 10 per cent. on July 1, 1866,<sup>4</sup> nearly all the old banks were driven over to the form of national banks.

The question was raised whether or not the State banks might change to national banks without the State's permission. The Fell's Point Bank had taken the precaution to secure this by a special act of the Legislature. The other banks remained under their State charters until after the doubt was put at rest by the passage of an "enabling act" by the General Assembly, March 24, 1865.

The matter was complicated by the fact that the State held considerable bank stock, and was otherwise the creditor of the banks. Further, the State system of free public education was largely dependent upon the receipts from the free-school tax upon banks. In view of these facts the General Assembly was not eager to allow the banks to pass from its control. In 1864 a joint committee of both houses was appointed to make inquiry in regard to the reorganization of the banks under the National Banking Act.<sup>5</sup>

The committee called in the testimony of the Hon. Alexander Randall, the Attorney-General, on the disputed points. First, in regard to the State's claims upon the banks, he decided that as stockholder the State had no priority over other stockholders or creditors in event of failure or liquidation. As creditor in other claims he argued that the State had priority by virtue of its prerogative as sovereign, which priority would be lost if the banks became subject to the na-

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<sup>1</sup> 12 Statutes at Large, 665.

<sup>2</sup> Md. Laws, 1864, ch. 307.

<sup>3</sup> 13 Statutes at Large, 99.

<sup>4</sup> *Ibid.*, 484.

<sup>5</sup> *Journal of Maryland Senate*, 1864. Proceedings of House of Delegates, 1864.

tional law; furthermore, the State would have no control over them.

The committee asked whether or not the State had power to prevent the reorganization under the National Act. Any such action, the Attorney-General thought, would be an attempt to nullify a law of Congress, and hence unconstitutional. The only influence which it could exert was by voting its shares as stockholder when the stockholders in general meeting decided what course they would take. Likewise in regard to the enforcement of the school fund tax from the converted banks, the principle established in the leading case of *McCulloh vs. Maryland*<sup>1</sup> was conceded to remove all power of constraint on the part of the State.<sup>2</sup>

Being thus unable to prevent the conversion of the State banks into national banks, the Legislature, in accordance with the advice of the committee, passed, March 24, 1865, "An Act to enable any bank, savings institution or savings bank of the State to become an association for the purposes of banking under the laws of the United States."<sup>3</sup> This privilege was conferred upon condition that banks making the change first comply with all the requirements of the act of the first session of the Thirty-eighth Congress of the United States, entitled, "An Act to provide a national currency," etc. A bank might change if the owners of three-fourths of the stock expressed their consent in writing to that effect, or if at a special meeting of the stockholders, voters holding two-thirds of the stock so desired. At this meeting one vote might be cast for every share, and the State Treasurer voted the State stock. If the stockholders decided to change, the directors, or a majority of them, could execute the organization certificate and such other papers as were necessary, and could perform all other acts necessary for the conversion.

The bank was ordered to present to the Clerk of the Court

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<sup>1</sup> 4 Wheat. 436. See p. 72.

<sup>2</sup> Communication from Hon. Alex. Randall to the General Assembly, Mar. 7, 1865.

<sup>3</sup> Md. Laws, 1865, ch. 144.

of Appeals of Maryland a certificate from the Comptroller of the Currency that the bank concerned had become a national bank; this certificate was to be recorded by the clerk, and a copy sent to the Governor, who was to have it published in the locality of the bank. Its charter was considered to be surrendered and its corporate powers to cease, though it could continue to use its corporate name in closing its affairs. No State bank money was allowed to be reissued for more than one year after the surrender of the charter.

Contrary to the opinion of the Attorney-General, all taxes were to be continued as before. All the assets without further transfer were to vest in the association, and it became responsible for all debts incurred previously to the surrender of the charter. Destruction of all plates and dies was provided for.

Within the year 1865 twenty-four banks passed over to the new form; only six State banks were left in 1867; these continued in existence as State banks until after 1871, when at different intervals all became national banks except two, the People's of Baltimore and the Hagerstown. A small number of savings banks, perhaps two, also changed over in 1865.

Although in the enabling act the State tried to continue in force the taxes which had formerly been collected, it was unsuccessful. By 1867 the school fund tax had dropped from about \$35,000 to \$3805, and the banks refused to pay it.<sup>1</sup>

In 1866 it was decided to dispose of the State bank stock, amounting then to \$463,406,<sup>2</sup> and the Governor, Comptroller and Treasurer of the State were authorized to sell it at not less than its par value, and to invest the proceeds in funded debt of the State.<sup>3</sup>

## 25. *Conclusion.*

In the economic condition of Maryland after the close of the Revolutionary War is to be found the natural explana-

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<sup>1</sup> Report of Comptroller of Currency of Md., 1867.    <sup>2</sup> *Ibid.*

<sup>3</sup> Md. Laws, 1866, ch. 170. *Ibid.*, 1872, ch. 275. *Bankers' Magazine*, Vol. XX, March.

tion of the introduction of banking into this State. In the face of an important and rapidly-developing commerce, and feeling the inconvenience of a very limited circulation of foreign coins of unstable value and of depreciated American paper money, the State Legislature persistently refused further issues of bills of credit. Under such circumstances the citizens turned to a study of other commercial States, Scotland, England, Holland and Genoa, and resolved that it would be expedient to establish a bank. This close relationship between the industrial development of the State and her banking facilities is a noticeable feature of Maryland history. The periods of banking expansion have in each instance been times of corresponding industrial development and prosperity, and the enlargement of banking facilities has kept pace with the growing industrial needs. The development of the resources of the State was the object of a general extension of banking advantages to the counties in the years 1810-12. About the same time this feature comes out strongly again in the part the banks played in the internal improvements of the State, when they entered actively into the work and actually became jointly incorporated as turn-pike road companies. The value of the service of the banks to the State can hardly be exaggerated. On the other hand, there has been comparatively little of deleterious effect. Very few speculative attempts of individual capitalists have occurred. Vices of practice have existed, as under all systems, but willful fraud upon the public has been rare. Since 1820 the necessary loss by the public from insolvent banks has been remarkably small. From 1820 to 1864 but two failures occurred in the city of Baltimore. No radical steps for the cure of evils became necessary. •

Maryland banks were rendered of a public character in two ways. First, by a State subscription to the capital stock of the early banks, and the reservation of the privilege to subscribe in all; and, secondly, by providing an opportunity for all to subscribe to the stock of the banks at the time of their organization by an allotment of their stock to Balti-



more and the various counties for subscription. This ceased to occur as soon as the general extension of banking reduced the monopolistic element to a minimum. The further step of free banking under a general law was not taken in Maryland;<sup>1</sup> it preferred to retain closer control by necessitating special legislative enactment to suit the requirements of each case. Although under these conditions opportunity for political bargaining was offered, nevertheless no evidence has been found indicating that other considerations than the public interest were of weight in the decision of measures brought before the Legislature, except in the first few years of banking in the State.

The chief elements of the system appear in the first charter; (1) special legislation in each case, (2) broad regulations, liberal powers, freedom of action, few restrictions. An eager competition, enforcing prompt attention to contracts, rendered careful administration a necessity for survival. In the first place the ideas adopted were not native to Maryland, but had been worked out elsewhere, notably by the Scotch banks and the first Bank of the United States. In the adaptation of principles to suit Maryland conditions, the State's own experience was the teacher, and changes were only introduced when deficiencies appeared under the actual working of the system. Very little was developed that was new; at the same time, disastrous experimentation, under which other States suffered so much, was avoided. Even the lead of more progressive States was not followed in the adoption of advance ideas.

The lack of uniformity in the regulations controlling the various banks was for a long time a source of confusion. This was partially remedied by making all the banks subject to the fundamental principles of the charter of the Merchants' Bank of Baltimore in 1835, and further, by the passage of a general banking law in 1852. State inspection for

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<sup>1</sup> A free banking law was passed in 1870.

public security alone, and not by the State as stockholder, was arrived at long after it had been adopted by other States. Stockholders and directors, except in cases of maladministration, were never made personally liable beyond the extent of their shares. There were no preferred claimants in case of insolvency.

The issue of notes was competitive, upon the general credit of the banks. Issue upon the deposit of bonds was rejected to preserve a greater elasticity of the currency and greater possible profits. The payment of interest on deposits was general from an early time, and stimulated to the utmost economical habits on the part of the public. The practice of daily settlements among the Baltimore banks rendered necessary the exercise of the greatest skill and care in administration, and the brisk competition between each other and the branches of the two United States banks, for a large part of the time, was most salutary.

In the performance of their functions they responded to the needs of the State at all times as well as might be under the circumstances. Maryland's central situation as creditor of the South and debtor of the North must be constantly borne in mind in understanding the position of her financial institutions. After the period 1814-20, during which the Maryland country banks were in wretched condition, the Maryland banks never ceased to redeem on demand in specie except during times of general suspension. A number of crises were passed with comparatively little inconvenience to Maryland's business men. The cases of insolvency have been remarkably few in Baltimore, three in all, with no loss ultimately falling upon depositors and noteholders. Since 1820 bankruptcy has concerned but five county banks; only two of the five were of any consequence, and the loss was small.

In answering the final questions we can say that the currency was always highly elastic, ultimately secure, excepting the period 1814-20 for the country banks, and convertible upon demand except in time of general suspension. For the

shareholders they earned fair dividends, not large, except in the first few years. They collected the free capital and turned it to the assistance of every form of industry within the State. A long period of very conservative banking won the entire confidence of the people. The Legislature did not intrude upon the banker's domain. To this strongly conservative spirit was doubtless due to large extent the success of a system which, owing to its freedom from restrictions, proved deficient under other circumstances.

## APPENDIX I.

## MARYLAND STATE BANK STATISTICS.

TABLE I.

The circulation and deposits of Baltimore State Banks (except the Bank of Maryland), from January 1, 1817, to January 1, 1830:

JAN.	CIRCULATION.	DEPOSITS.	TOTAL.
1817	\$2,727,230	\$2,108,560	\$4,835,790
1818	1,742,780	1,697,290	3,440,070
1819	1,662,320	1,248,470	2,910,790
1820	1,229,540	1,226,690	2,456,230
1821	1,020,080	1,382,850	2,402,930
1822	1,214,030	1,533,440	2,747,470
1823	1,031,750	1,261,330	2,293,080
1824	1,113,750	1,441,160	2,554,910
1825	1,537,610	1,581,850	2,936,460
1826	1,519,190	1,528,220	3,047,410
1827	1,347,690	1,629,620	2,977,310
1828	1,272,190	1,724,160	2,996,350
1829	1,422,970	1,633,010	3,055,980
1830	1,299,760	1,349,770	2,649,530

TABLE II.  
Totals of Resources of Maryland State Banks, 1834-64.

YEAR	BANKS.	LOANS AND DISCOUNTS.	STOCKS.	DUE FROM BANKS.	REAL ESTATE.	NOTES OF BANKS.	SPECIE FUNDS.	SPECIE.	OTHER RESOURCES.
1834	8	\$8,530,786	\$497,295	\$430,239	\$419,397	\$924,045	.....	\$595,505	.....
1836	14	9,530,683	1,705,706	1,609,711	464,903	715,366	.....	972,090	\$103,650
1837	21	14,886,487	1,678,515	1,396,558	530,141	1,521,432	.....	1,139,347	65,543
1838	22	15,813,006	1,505,041	2,806,704	541,687	1,452,146	.....	1,259,968	57,049
1839	22	15,844,163	1,899,352	1,933,601	553,818	1,355,239	.....	1,679,066	146,910
1840	21	13,593,642	1,910,092	1,611,042	505,290	1,116,667	.....	1,319,559	72,555
1841	21	12,554,889	939,953	2,097,906	504,433	1,022,382	.....	1,556,020	137,311
1842	20	11,442,062	1,673,811	1,551,242	594,771	882,588	.....	1,553,621	158,582
1843	20	10,547,020	1,009,449	857,213	596,596	586,900	.....	2,537,822	95,130
1844	20	10,104,829	1,540,833	1,542,912	623,850	620,853	.....	3,790,995	195,808
1845	20	11,842,172	1,215,146	1,000,531	636,137	666,245	.....	2,200,586	82,661
1847	14	11,503,278	726,074	619,653	432,066	636,273	.....	2,005,078	.....
1848	20	13,291,129	706,173	704,506	527,530	609,456	\$99,785	2,244,884	4,302
1849	20	12,384,850	829,269	993,234	450,736	743,339	24,000	2,145,013	1,132
1850	21	13,767,558	966,080	1,068,587	384,760	790,505	59,789	2,468,235	19,682
1851	23	14,850,479	946,690	1,144,077	421,248	965,795	76,796	2,738,834	53,758
1853	19	15,135,587	683,512	1,991,902	328,813	1,108,386	127,143	2,838,071	21,987
1854	25	16,358,441	825,339	1,681,036	321,007	158,827	1,595,092	3,405,090	28,256
1855	29	17,588,718	618,295	1,609,609	333,930	1,566,361	96,518	2,987,225	595,223
1856	31	20,616,005	644,600	1,649,166	381,866	1,482,744	82,961	3,398,101	698,890
1857	31	22,293,554	758,278	1,894,791	402,217	1,666,663	9,168	3,522,561	23,528
1858	31	21,804,111	644,318	3,226,112	417,925	1,473,413	3,164	2,614,728	14,741
1859	32	21,854,934	802,965	1,017,641	484,825	69,863	1,521,663	3,120,011	67,574
1860	31	20,998,762	848,283	1,657,016	505,179	1,897,218	.....	2,779,418	41,560
1861	31	22,299,238	635,685	1,874,439	539,329	1,524,228	.....	2,267,158	.....
1862	28	17,440,111	856,425	1,837,068	540,899	1,466,799	120,476	3,682,471	8,420
1863	32	23,919,669	3,899,242	2,553,068	999,035	2,025,970	130,656	2,750,183	.....
1864*	16	21,058,135	5,119,477	1,654,096	444,154	2,555,780	.....	1,553,495	.....

\* Baltimore banks only



TABLE II.—Continued.  
Totals of Liabilities of Maryland State Banks, 1834-64.

YEAR.	BANKS.	CAPITAL.	CIRCULATION.	DEPOSITS.	DUE TO BANKS.	OTHER LIABILITIES.
1834	8	\$5,270,091	\$1,433,698	\$3,125,935	\$596,236	.....
1836	14	7,662,639	1,923,055	3,264,186	2,004,560	.....
1837	21	10,438,655	3,310,835	4,840,477	1,443,476	\$705,139
1838	22	11,249,319	3,002,085	3,401,238	2,689,978	1,105,005
1839	22	11,419,999	3,798,067	4,219,932	2,151,469	1,138,590
1840	21	10,526,494	3,079,241	3,186,438	1,859,174	765,888
1841	21	10,214,968	2,529,843	3,136,979	1,860,015	225,529
1842	20	10,709,332	1,832,928	2,934,824	1,231,885	1,049,480
1843	20	9,746,279	1,743,768	2,977,174	753,499	932,529
1844	20	9,540,374	2,273,550	4,231,664	1,228,577	929,436
1845	20	8,358,332	2,607,682	3,947,113	1,360,897	914,811
1847	14	7,999,004	2,400,267	3,863,891	982,731	.....
1848	20	8,541,830	3,106,901	4,211,278	1,667,249	3,556
1849	20	8,557,732	2,780,476	3,994,162	1,502,437	3,112
1850	21	8,704,711	3,091,408	5,183,609	1,732,813	3,178
1851	23	9,115,156	3,532,870	5,966,834	1,928,214	3,395
1853	19	8,064,930	4,254,412	7,282,355	1,676,361	131,734
1854	25	9,558,409	4,918,381	8,621,052	2,348,791	71,645
1855	29	10,411,874	4,118,197	7,268,888	1,511,970	891,230
1856	31	11,202,666	5,297,983	8,370,345	1,924,756	838,108
1857	31	12,297,276	5,155,096	9,611,334	1,895,284	679,701
1858	31	12,451,545	4,041,021	7,581,186	4,194,677	549,933
1859	32	12,500,635	3,977,971	9,038,664	4,175,807	417,667
1860	31	12,568,962	4,106,869	8,874,180	1,324,740	357,195
1861	31	12,567,121	3,558,247	9,086,162	2,108,920	426,434
1862	28	12,155,979	3,794,295	7,637,602	1,167,555	1,631,140
1863	32	12,112,309	6,649,030	13,779,279	1,799,287	1,485,750
1864*	16	10,395,295	6,421,059	11,410,590	2,409,361	1,778,832

\* Baltimore banks only.



## APPENDIX II.

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Bibliographical Note.—Information about State banks before 1830 is very meagre. Contemporary periodicals, especially Niles' Register, have been of great service for this period. Considerable statistical information has been tabulated in the report of the Secretary of the Treasury for 1876, and in the special report of January 28, 1893. This, however, is abridged from the tables appended to Gallatin's "Considerations on the Currency," and from Elliot's "Funding System." Of especial value have been several reports of Baltimore banks to their stockholders, in which various facts have been collected. After 1827 the reports to the State Legislature became regular; tables, not otherwise accredited, have been compiled from these. The following are the more important works which have been consulted:

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History is past Politics and Politics are present History.—*Freeman*

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# History of the Know Nothing Party

IN

## Maryland

BY

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## PREFACE.

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This study of the Know Nothing party in Maryland was undertaken at the suggestion of Dr. B. C. Steiner, of the Johns Hopkins University. The success of the Know Nothing party in Maryland has never been really understood. Partisan bias and personal feeling have too often obscured the essential elements in the progress of the party. Removed as we are forty years from the heated politics of the time, it is possible to give that calm consideration which the subject requires. At the same time the interval is not too great to preclude the possibility of interviews with men who were contemporary with the events narrated.

The work has involved searching the files of many faded and dusty newspapers. These have been the principal sources of information. The numerous pamphlets quoted have also greatly supplemented the information given by the newspapers. Use has also been made of other incidental authorities which the footnotes show in all important cases. By no means the least enjoyable part of the work has been the numerous interviews with "survivors" of the period. The uniform courtesy shown, and the willingness to help an historical student have been extremely gratifying.

For valuable suggestions or information, the writer desires to express his thanks to Professor H. B. Adams and to Drs. Vincent, Steiner, Hollander and Ballagh, of the Johns Hopkins University; also to others who have assisted the writer by personal reminiscences of their experiences of this turbulent time in American politics.

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# History of the Know Nothing Party in Maryland.

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## I. INTRODUCTION.

When Alexis de Tocqueville visited the United States in 1832, he was struck by the great freedom of the people in forming associations of all kinds, and especially upon the liberty with which political associations were formed. Commenting upon this he said: "It cannot be denied that the unrestrained liberty of association for political purposes is a privilege which a people is longest in learning how to exercise. If it does not throw the nation into anarchy, it perpetually augments the chances of that calamity. On one point, however, this perilous liberty offers a security against dangers of another kind; in countries where associations are free, secret societies are unknown. In America there are numerous factions, but no conspirators."<sup>1</sup>

What would have been the surprise of De Tocqueville if he had visited the United States two decades later and seen a secret oath-bound organization sweeping all before it in a triumphal march through the United States. Such an organization was the "Know Nothing" or American party.<sup>2</sup>

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<sup>1</sup> De Tocqueville: "Democracy in America," I, 236.

<sup>2</sup> After the secret machinery was discarded, the party called itself the "American" party. However, it was always popularly known as the "Know Nothing" party, and will always be referred to as such in this monograph. The official name of the order and of the party was always the American party, and not the "Supreme Order of the Star Spangled Banner," as stated by Mr. James Ford Rhodes in his history. Mr. Rhodes has taken his description from Hamble-



Obscure in its origin, its growth and membership known only to its officers, it first made its strength felt by its successes in local elections, where in many cases persons who had not been candidates were elected to office, or in other cases the members of the party split the old tickets and voted for the candidate favorable to their views. A unique phenomenon, indeed, in American politics was this new organization. With all its proceedings shrouded in secrecy, it managed to exist for several years before any accounts of it, except the vaguest generalities, found their way into the newspapers. The call for a meeting was never published, and the members were merely notified by bits of white paper stuck on fences and lamp-posts and scattered over the streets. In the early stage there was no public propaganda of its beliefs, and its membership was recruited and extended merely through personal solicitation. A member of the order would feel his way cautiously in conversation with a friend, and if he found him favorably disposed, would undertake to conduct him into the august presence of "Sam," this being the name by which the order was popularly known. This name was acquired from the fact that one member on meeting another would ask as a pass-word: "Have you seen Sam?" The answer would show whether the person questioned was a member of the order. All over the country extended the secret party, the organization rising from the local Council in the ward or county, through the Superior Council of the large cities, the State Councils, and culminating in the National Council.

To the inquirer who asked of the member who had attended a meeting, where he had been, the answer was invariably, "I don't know," and the same answer was given to all inquiries concerning the object and purposes

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ton's "History of the Campaign in Virginia in 1855," a contemporary work, very bitterly opposed to the Know Nothings. I have been assured by the recording secretary of the National Council and several of the surviving members of the party, that it never had any other name officially than the American party.

of the order. It was thus that the party got its popular sobriquet of "Know Nothing." A system of pass-words, grips and countersigns made known the members to one another and prevented the inquisitive from penetrating into the secrets of the order. An elaborate ritual completed the machinery, and the candidate for the honor of being enrolled in the ranks of the party had to pass through a series of questions, and when the ceremony was complete he was finally charged with the objects and purposes of the order.

The object of this new secret party was to oppose the progress of the Roman Catholic Church, and to secure a longer term of residence for foreign immigrants before giving them the privilege of naturalization. The great watchword was, "Put none but Americans on guard to-night," a saying attributed to Washington. Washington's farewell address was also held up as justifying the movement, and especially that portion where Washington said: "Against the insidious wiles of foreign influence, I conjure you to believe me, my fellow-citizens, the jealousy of a free people ought to be constantly awake. It is one of the most baneful woes of a republican government." After the party came into the open its purposes were stated by the Know Nothing Almanac of 1855<sup>1</sup> to be "Anti-Romanism, Anti-Bedinism, Anti-Pope's Toeism, Anti-Nunneryism, Anti-Winking Virginism, Anti-Jesuitism, and Anti-the-Whole-Sacerdotal-Hierarchism with all its humbugging mummeries. Know Nothingism is for light, liberty, education and absolute freedom of conscience, with a strong dash of devotion to one's native soil."

It seemed strange that a party bound to secrecy and opposed to the Catholics, as it was, should lay claim to "light" and "liberty of conscience" as its tenets. To the charge of secrecy they would answer that in all political movements secrecy is the element of success. The old parties were charged with having their secret agents at

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<sup>1</sup> Tisdale's "Know Nothing Almanac," 1855, 7.

Washington, and conventions were said to be run by secret committees.<sup>1</sup> Furthermore it was said that it was fighting with Jesuits and priest, an enemy sworn to secrecy, and it declared that "When you fight the devil, you have a right to fight him with fire."<sup>2</sup>

As to the question of liberty of conscience, the Know Nothings denied that they were intolerant towards the Catholic religion. The leading Know Nothing speakers were eager to deny any proscription, either of Catholics or foreigners. Not on account of their religious belief did they oppose the Catholics, but on account of their political activity. But while they denied that they warred upon the Catholics, because they were Catholics; yet with a casuistical ingenuity and sophistry worthy of their Jesuit opponents, they declared that a Catholic could not be a good American citizen.

The party, it seems, had been put into operation in the State of New York in the early part of 1852. A gentleman in that State had worked out the plan as early as 1849.<sup>3</sup> It rapidly extended its influence, but quietly withal, and not until 1854 did it play any important part in the elections. Old Whigs, dissatisfied Democrats, and the mass of the discontented, who are always looking for some universal panacea eagerly went into the new party. Its very secrecy and the mystic charm of clandestine meetings also exerted a great influence in attracting men into its organization. With this sketch of its general principles we can enter into a consideration of the progress of the party in Maryland.

<sup>1</sup> "Principles and Objects of the American Party," 22.

<sup>2</sup> Speech of W. R. Smith, of Alabama, in House of Representatives, January 12, 1855. *Cong. Globe*, 33d Congress, 2d Session; Appendix, 97.

<sup>3</sup> Whitney: "Defense of the American Policy," 280.

## II. GROWTH OF THE PARTY IN MARYLAND.

In the latter part of the year 1852, probably in the month of October, this secret order first made its appearance in Baltimore.<sup>1</sup> At this time thirteen persons, symbolic of the thirteen original States, met and were initiated into the mysteries of the order by a duly commissioned delegate from the Council in New York State. In a short space of time the order spread rapidly, and subordinate Councils were established all over the city and in the counties. Five delegates from the subordinate Councils constituted the Superior Council of the city, and this Superior Council together with the lodges in the counties elected delegates to the Grand Council. Within three months from the time the order started, a grand lodge had been established.

The rapid growth of the order was not at all surprising. At various times before there had been ebullitions of a native sentiment, but they had subsided almost before they had time to crystallize into a formidable political organization. Some years before this time, in the forties, a party known as the American Republican party, and having opposition to foreigners as its basis, had made its appearance in the United States. In 1844 this party made its appearance in Baltimore, and received the support of the *Clipper*,<sup>2</sup> the newspaper which was afterwards the great advocate of the Know Nothing party. On March 12, 1845, this party held a convention,<sup>3</sup> and in the election of that

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<sup>1</sup> Whitney, in the "Defense of the American Policy," 284, states that the first Council was instituted in May, 1853. This, however, is probably a mistake, as the recording secretary of the National Council, and two members who were present at this first meeting, state positively that it was held in the fall of 1852.

<sup>2</sup> *Clipper*, November 5, 1844.

<sup>3</sup> *Ibid.*, March, 13, 1845.

NOTE—The references to newspapers are to Baltimore papers, except where otherwise stated.

year put candidates for local offices into the field. The time, however, was not yet ripe for such a movement to make an impression in American politics. The old parties were too strong and active for this newcomer to force itself into the field. The anti-foreign sentiment alone was not enough, and this early movement lacked the opposition to the Catholics which was characteristic of its more fortunate successor. At the election in 1845 it polled about thirty-three hundred votes,<sup>1</sup> and then quietly sank into oblivion.

The sentiment against the immigrant again came to the surface in the Constitutional Convention of 1850. Here a motion was introduced looking to some provision "restricting from future foreign immigrants to the State of Maryland, the right of suffrage, until they shall have been residents of said State for at least ten years after they shall have given notice to the proper authorities of their intention to become citizens of the United States."<sup>2</sup> Again, at the municipal election of 1852, the spread of the native sentiment made itself felt. France, the Whig candidate, was charged with having signed a memorial to Congress in favor of the Native American movement. He denied the charge, and his denial apparently went against him in the election.<sup>3</sup>

Such had been the forerunners of this new secret political party. Such a sentiment being latent in the community, it was no wonder that the party attained an exceedingly rapid growth. The progress of the order was manifested by the growth of public opinion in favor of its principles. These had acquired so great a circulation that on March 15, 1853, a new order, known as the United Sons of America, was instituted in Baltimore.<sup>4</sup> This order had practically the same principles and was composed to a large extent of the same men, but it was distinct from the Know Nothing order. At the same time it worked hand and

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<sup>1</sup> *Clipper*, October 2, 1845.      <sup>2</sup> "Proceedings Convention," 1850, 94.

<sup>3</sup> *American*, October, 15, 1852.

<sup>4</sup> *Clipper*, March 15, 1853.



glove with the secret order in agitating the principles common to the two, while the secret order held the political machinery.

For some months after the institution of this new order the party is apparently quiescent. It was so quiet that by July the *Baltimore American* thought it time to preach its funeral sermon, saying that "its structure was never more formidable than a jack-o'-lantern \* \* \* and in time the folks found out that the ghost was composed of a flimsy sheet topped by an illuminated pumpkin."<sup>1</sup> Yet scarcely a month had passed when the movement again bobbed up, and this time with a mass-meeting in Monument Square. On August 18 the first mass-meeting was held in the above-mentioned locality, and was attended by a great number of people. This meeting was held under the auspices of the United Sons of America,<sup>2</sup> and the Know Nothing order was merely a passive participant. About the same time we find notices in newspapers of the growth of the party in other sections of the State.<sup>3</sup>

In the meantime another new organization had come into the field, and gave the first occasion for an exhibition of the strength of the Know Nothings. This was the movement in favor of a "Maine Law Temperance" ticket, which finally crystallized in the nomination of candidates for the House of Delegates and for Sheriff of Baltimore.<sup>4</sup> The Maine Law ticket for the Legislature was composed of five Whigs and five Democrats.

In the previous session of the Legislature a bill, known as the "Kerney School Bill," had been introduced, having for its object the allotment of a certain portion of the school fund to private or sectarian schools.<sup>5</sup> The object of this bill was to enable the Catholic schools to share in the

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<sup>1</sup> *American*, July 9, 1853.

<sup>2</sup> *Sun*, *American*, *Clipper*, August 19, 1853.

<sup>3</sup> *Sun*, August 23, 27, 31, September 15; *Clipper*, August 27, 1853.

<sup>4</sup> *Sun*, September 30; *American*, August 15.

<sup>5</sup> *House Journal*, 1852, 606, 768; 1853, 330, 551, 563, 577.

school fund, and accordingly the Know Nothing party threw its weight against those candidates who were favorable to the bill. The United Sons of America addressed a circular-letter to the candidates, asking them whether they favored the bill, and also whether they were in "favor of exempting the members of any religious sect from payment of their quota of the school tax."<sup>1</sup>

The Democratic candidates to a man refused to consider the questions, while the Temperance candidates announced their opposition to the Kerney Bill and were accordingly endorsed by the Sons of America, which was practically the Know Nothing party at this time.<sup>2</sup> The result was seen in the election, when the Democratic candidate for Governor received a majority in the city of more than three thousand over his Whig opponent, while the Democratic Legislative ticket was defeated by a little less than a thousand. The Know Nothing party did not enter into the question in the rest of the State and straight-out Whigs and Democrats were elected from the counties. The House of Delegates, being about equally divided between the two parties, the ten Delegates from Baltimore City held the balance of power.<sup>3</sup>

A little later the Anti-Catholic sentiment was increased by the presence in Baltimore of Bedini, the Papal legate. In the early part of 1854 he made his appearance in Baltimore, and was the occasion of much excitement. On the sixteenth of January, a crowd of men and boys proceeded to Monument Square and burned him in effigy.<sup>4</sup> The opposition to Bedini was claimed to be due, not as much to his being a Catholic as to his cruelty while Governor of Bologna, and his opposition to the national movement in Italy.<sup>5</sup> However much may be ascribed to this cause, there is no doubt that sentiment was aroused against him because he had come to adjudicate between an American

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<sup>1</sup> *Sun*, October 8, 1853.

<sup>2</sup> *Sun, American*, November 1, 2.

<sup>3</sup> *Sun*, November 5.

<sup>4</sup> *Sun, American*, January 17, 1854.

<sup>5</sup> *Sun*, January 18, 1854.

congregation and the Catholic clergy. He was looked upon as the intruding representative of a foreign power beyond the sea.

In the meantime the order was spreading all over the State and lodges were reported as organizing in the various counties.<sup>1</sup> The first development of their power was in Western Maryland, in the city of Hagerstown. Here, at the municipal election on April 10, a sensation was created by the election of the Anti-Maine Law candidate for Mayor and the Know Nothing candidates for the Council.<sup>2</sup>

This surprise was followed by a greater one about a month later in the city of Cumberland. Here the Whigs and Democrats had both made nominations for Mayor and city officers. The result was that some candidates of both parties had been elected. The Know Nothings had selected a ticket from those nominated by the two old parties and had triumphantly elected every man on it.<sup>3</sup> The strength of the order was thus manifested even to the most skeptical, and it looked as if the defunct Whig party and a divided Democracy were alike to be swallowed up in this new force which was showing so much strength.<sup>4</sup>

In Baltimore also the order was constantly gaining in numbers and influence. The Washington election of June 5 was the first open manifestation of sympathy toward the new party in Baltimore since the election in the previous year. The canvass in Washington had been especially spirited, and much interest was manifested in Baltimore as to the outcome. Crowds gathered around the newspaper offices awaiting the results, and when the success of the Know Nothing candidate was announced the cheering indicated that there were many sympathizers among the waiting crowd.<sup>5</sup> About the same time there is a notice of a new weekly paper, to be called the *Spirit of '76*, whose

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<sup>1</sup> *Sun*, May 13, July 3, 8, 28, August 12; *Easton Star*, April 18.

<sup>2</sup> *Sun*, April 12, 1854.

<sup>3</sup> *Sun*, May 10, 1854.

<sup>4</sup> *Ibid.* *Easton Star*, May 16, 1854.

<sup>5</sup> *Sun*, *American*, June 6, 1854.

great aim was "to place the government of America in the hands of true Americans."<sup>1</sup>

Meanwhile the Democrats had not been inactive. Their City Convention had met on July 20, and had denounced the Know Nothing party as "contrary to the principles of the Constitution."<sup>2</sup> As yet the Know Nothings had made no move, but their strength was evidently feared, as the Democratic meeting on September 12 declared that they could carry the election "in spite of the combination of Whigs, Know Nothings and Temperance men."<sup>3</sup> Not until about two weeks before the election, which was to occur on October 11 did the Know Nothings put a candidate in the field. On September 27 the *Clipper* put the name of Samuel Hinks at the head of its editorial column, and stated that it was authorized to announce him as the American candidate for Mayor. On the night before a secret convention had been held, composed of five delegates from each ward, and the candidate had been selected.<sup>4</sup> Unannounced to the public, unknown to the press, with no published account of the proceedings, no one possessing any information concerning it, except the delegates, this new party, which was to save the democratic institutions of America, met in a secret convention and put forth its candidate.

The campaign was a short and lively one. The Democrats were absolutely at sea in regard to the number of their opponents. In order to watch the election they had recourse to a trick which was adopted and put to serviceable use by the Know Nothings. When the tickets were printed, three blue stripes were printed down the back, so that the observer could easily see how a person voted. But before the election the Know Nothings had learned of this trick, and they accordingly had their tickets printed with a like stripe. Not until the middle of the day of

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<sup>1</sup> *American*, June 10.

<sup>2</sup> *Ibid.*, July 22.

<sup>3</sup> *Sun, American*, September 13.

<sup>4</sup> *Sun, American*, September 27.

election did the Democrats discover the trick, but it was too late to rectify it. The Know Nothings elected their candidate by over two thousand majority, and also a majority in both branches of the City Council.<sup>1</sup> The election was as fair as elections were in those days, the methods employed not being peculiar to any party. At one of the lower wards the Empire Club attempted to run things in the interest of the Democrats, and the Know Nothings from up-town sent a deputation to resist them. The opposing forces met at Fayette and Exeter Streets, and for some time a lively contest was waged with pistols, clubs and stones.<sup>2</sup> When it became evident that the Know Nothing candidates had been elected the victors paraded the streets with fireworks and cannon. At several points the procession was attacked by its opponents.<sup>3</sup>

Hardly had the party come into power in Baltimore when there was friction between the Mayor and City Council over the appointments.<sup>4</sup> The Councilmen claimed that they were not consulted in the selection of city officials; that former political divisions were not sufficiently regarded;<sup>5</sup> and that some of the nominees were not members of the order.<sup>6</sup> The Councilmen, however, contented themselves with rejecting some of the nominations of the Mayor and did not attempt to take the appointing power away from the Mayor, as they did in a recent case of this kind. The majority of the party were in favor of the Mayor<sup>7</sup> and the Councilmen had to give way.

During 1855 the party continued its successful course. Not only in Hagerstown<sup>8</sup> and Cumberland,<sup>9</sup> where they had been successful the year before, were they again victorious, but also Annapolis<sup>10</sup> and Williamsport<sup>11</sup> fell into

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<sup>1</sup> *Sun, American*, October 12, 1854.    <sup>2</sup> *Sun, American*, October 12.

<sup>3</sup> *Sun, American*, October 12 and 13.

<sup>4</sup> Cf. "Mayor Hooper and the Republican Councilmen in 1896."

<sup>5</sup> *Sun*, January 1.

<sup>6</sup> *Ibid.*, *American*, January 4 and 6.

<sup>7</sup> *American*, January 8.

<sup>8</sup> *American*, April 12, 1855.

<sup>9</sup> *Sun*, May 17.

<sup>10</sup> *Ibid.*, April 4.

<sup>11</sup> *Ibid.*, March 9.



their hands. At Westminster, Carroll County, a meeting was called to form a party in opposition to the Know Nothings. A series of resolutions denouncing the Know Nothings were presented, but the meeting, amid much confusion, refused to adopt them, and finally adjourned with three cheers for "Sam."<sup>1</sup>

Nor was it in Maryland alone that the party was making such great progress. The year 1854 was an off year in Maryland politics, there being in that year only elections to local offices. Consequently there was no opportunity for it to show its power over the State at large. It was in the Northern States that the party achieved a phenomenal success which made all the old politicians open their eyes in wonderment. In Massachusetts no Governor had been elected by a majority of the people since the rise of the Free Soil party, but in this year the Know Nothings elected their candidate for Governor by a clear majority of thirty-three thousand.<sup>2</sup> Gardner, a played-out Whig, had been the Know Nothing candidate, and those, like Congdon, the editor of the *Boston Atlas*, who thought the movement a "huge joke,"<sup>3</sup> found out the day after the election that the joke was on the other side. In New York, although the party did not elect its candidate, it surprised its opponents by polling over a hundred and twenty-two thousand votes in the State election. Delaware was also carried by the Know Nothings. In the other States the success of the party was mainly confined to the local elections. The Congressional elections resulted in the return of seventy-five Know Nothing Congressmen.<sup>4</sup>

These successes, of course, revealed the strength of the party, and the year 1854 saw the end of the secret organization. After the National Convention of 1855 (which will

<sup>1</sup> *Sun*, April 6.

<sup>2</sup> Haynes: "Causes of Know Nothing Success in Massachusetts," in *American Historical Review* for October, 1897, 81.

<sup>3</sup> Congdon: "Reminiscences of a Journalist," 145.

<sup>4</sup> "*Tribune Almanac*, 1855."

be considered in the next paragraph), the party gave up the "humbugging mummeries" of ritual, grips and passwords and adopted the current political methods. The convention, having determined that all the proceedings of the party should be free and unconcealed, the secret machinery was given up, primaries and nominating conventions were held and the party became worthy of more respect as it came out into the open.

The National Council met at Philadelphia on June 5. Almost every State in the Union was represented. This convention clearly showed that the secret machinery was played out, as the proceedings of the convention, while ostensibly secret, were being reported in the newspapers all over the country. This resulted in the convention abolishing all the secret machinery, and the principles of the order were thenceforth to be openly avowed and discussed. A platform was put forth, the first public authoritative statement of the principles of the party, which may be summarized as follows:

1. Acknowledgment of a Supreme Being.
2. Cultivation of an intense American feeling.
3. Maintenance of the Union.
4. Obedience to the Constitution.
5. Revision of the immigration laws.
6. Essential modification of the naturalization laws.
7. Hostility to corrupt political practices and "the wild hunt after office."
8. Resistance to the "aggressive policy and the corrupting tendencies of the Roman Catholic Church."
9. Reformaton of the character of the National Legislature.
10. Restriction of executive patronage.
11. Education in the public schools, and the use of the Bible therein.
12. Existing laws on slavery to be maintained, and at the same time denying the power of Congress to legislate upon the slavery question.

13. Non-intervention in the internal affairs of foreign nations.

14. All principles of the order to be openly avowed.<sup>1</sup>

This platform was not adopted without a struggle. The Northern members, led by Henry Wilson, of Massachusetts, fought hard and earnestly for the adoption of an anti-slavery plank. This, however, was rejected, and the delegates from twelve States seceded and issued an appeal to the people for the re-enactment of the Missouri Compromise. The twelfth section on slavery was indeed a peculiar one. It begins by holding the old Whig and Democratic parties responsible for the systematic agitation of the slavery question, and counsels submission to the laws on the subject as a "final and conclusive settlement." But deeming it the highest duty "to avow their opinions on a subject so important" the platform went on to deny that Congress had any power to legislate upon the subject, and that Congress "ought not to legislate upon the subject of slavery within the territory of the United States." While they deplored the agitation which was caused by Congressional legislation, yet they were willing to acquiesce, but at the same time they denied the authority of Congress to pass the laws which they were willing to approve. While a straddle was intended, yet it was on the whole more favorable to the South, as the power of Congress to legislate on the slavery question in the territories was denied.

The meeting of the National Council revived interest in the party, and on June 20, an immense mass-meeting in Monument Square, Baltimore, ratified the action of the Philadelphia Convention.<sup>2</sup> Numerous ratification meetings were also held throughout the State.<sup>3</sup> On July 18 the first State Convention, and also the first open convention, met in Baltimore. The above platform of the Philadelphia Convention was adopted and endorsed *in toto*. The

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<sup>1</sup> For the complete platform, see Appendix A.

<sup>2</sup> *Sun, American*, June 21.

<sup>3</sup> *Sun*, June 30, July 7, 9, 11, 19. *American*, July 19.

convention also nominated candidates for State offices.<sup>1</sup> These nominations were W. H. Purnell for Comptroller, and D. J. McPhail for Lottery Commissioner. Purnell had been a Whig and McPhail a Democrat.<sup>2</sup>

It was over the eighth section of this platform that the controversy in Maryland was most pronounced. Some of the lodges had even given up the Catholic test for admission, and it was reported that an effort would be made in the State Convention to repudiate the religious reference in the Philadelphia platform.<sup>3</sup> By many it was thought best not to have such an unequivocal denunciation of the Catholics as was contained in the article against "aggressive policy and corrupting tendencies of the Roman Catholic Church." An effort was made to substitute in place of this clause "that no person should be selected for political station (whether of native or foreign birth) who recognizes any allegiance or obligation of any description to any foreign prince, potentate or power, or who refuses to recognize the Federal and State Constitutions (each within its sphere) as paramount to all other laws as issues of political action." Maryland, it must be remembered, had produced such Catholics as Charles Carroll of Carrollton and Roger Brooke Taney.

The agitation against the Catholics had brought forth an explicit denial by the Archbishop and Bishops of the province of Baltimore of any allegiance other than spiritual to the Pope. In a pastoral letter the above-named Church authorities in May, 1855, had said: "Respect and obey the constituted authorities, for all power is from God, and they that resist, resist the ordinance of God, and purchase for themselves damnation. To the general and State governments you owe allegiance in all that regards the civil order; the authorities of the Church challenge your obedience in the things of salvation. We have no need of pressing this

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<sup>1</sup> *Sun, American, Clipper*, July 19.

<sup>2</sup> *American*, July 19.

<sup>3</sup> *American*, July 13.



distinction, which you fully understand and constantly observe. You know that we have uniformly taught you both publicly and privately to perform all the duties of good citizens, and that we have never exacted of you, as we ourselves have never made, even to the highest ecclesiastical authority, any engagements inconsistent with the duties we owe to the country and its laws. On every occasion we have avowed these principles, and even in our communications to the late Pontiff, we rejected as a calumny the imputation that we were in civil matters subject to his authority.”<sup>1</sup> The party, however, in its zeal for Protestantism, was not ready at this time to adopt the milder plank, which every true American could endorse, and which did not savor of the bigotry and intolerance of the more radical pronunciamento.

The candidates of the Know Nothing party denied any intolerance. They claimed, and with justice, that the Catholics had thrown themselves into the arms of one great political party,<sup>2</sup> that they had endeavored to change the Public School System,<sup>3</sup> and that the trustees of the Church of St. Louis at Buffalo had been excommunicated for their refusal to violate the laws of the State in obedience to the rule of the Church.<sup>4</sup> These facts will be considered at greater length when the causes of the success of the party are considered. At present we shall merely consider the progress of the party.

The nominations of the American party set the ball rolling. About a month later, on August 16, 1855, the Democratic State Convention met and put its candidates in the field. As was to be expected it denounced the Know Nothing party as contrary to the Constitution, and declared that “its precepts, its organization, its principles and objects are unconstitutional, anti-republican, dangerous to

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<sup>1</sup> “Review of H. W. Davis,” 8. “Pastoral Letter,” 15 and 16.

<sup>2</sup> Address of the American Candidates to the people of Baltimore. *Sun*, November 3.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*



free institutions, and destitute of sound morals and true religion.”<sup>1</sup> Within a short time, local and legislative tickets had been put forth in almost all the counties of the State by both the Know Nothings and their opponents. In some of the counties, the Democrats and Whigs united and ran a fusion ticket against the new party. This was the case in Montgomery,<sup>2</sup> Anne Arundel,<sup>3</sup> Howard,<sup>4</sup> Kent, Queen Anne, Caroline,<sup>5</sup> Dorchester,<sup>6</sup> Somerset and Worcester.<sup>7</sup> The Legislative<sup>8</sup> and City Conventions<sup>9</sup> met in Baltimore and completed the Know Nothing nominations. The Maine Law Temperance Convention also met on September 27, and a motion was made to endorse the Know Nothings. The motion, however, was withdrawn, and it was determined that it was inexpedient to make nominations.<sup>10</sup>

The campaign was a brisk and merry one. The cry of the Know Nothing party was “to bring the Constitution back to the model it had in the days of the fathers,” much as in recent campaign we have heard the cry of “the money of the Constitution.” The venal influence of the foreign immigrant and the corrupting policy of the Catholic Church were the two great themes of its discourses. The most indecent stories were circulated of the immoralities of the confessional and the licentiousness of the priests.<sup>11</sup> The so-called “Confessions of a French Priest” were held up as high proof of the immorality in the convents and nunneries.<sup>12</sup> All the evils of the Church and the crimes of the Popes in the Middle Ages were again published,<sup>13</sup> and it was denied that Popery had changed its character since the

<sup>1</sup> “Proceedings Convention ;” *Sun, American*, August 17.

<sup>2</sup> *Sun*, August 11.

<sup>3</sup> *Sun*, August 28; *American*, August 29.

<sup>4</sup> *Sun*, September 4.

<sup>5</sup> *Easton Star*, September 4.

<sup>6</sup> *American*, September 14.

<sup>7</sup> *Easton Star*, September 4.

<sup>8</sup> September 6.

<sup>9</sup> September 12-21.

<sup>10</sup> *Sun, American*, September 28.

<sup>11</sup> “Priests’ Prisons for Women,” 28.

<sup>12</sup> *Ibid.*, 24.

<sup>13</sup> *Clipper*, February 14, 1855.

Middle Ages.<sup>1</sup> The Pope was held up as aiming to become supreme head of the world, and such authors as Bellarmine, Augustinus Triumphus, Avorus, Pelagius, Panormitanus, Hostiensis, Sylvester and Thomas Aquinas were appealed to in order to prove the indictment.<sup>2</sup> Seldom had so much scholasticism been quoted in the exciting arena of American politics. Even the style of architecture of the churches was appealed to. It was said "they are built of solid masonry, gothic style of architecture, and easily convertible into forts; and any one who has been in a country where he has seen them used for forts can readily imagine why they are so strongly built in this country."<sup>3</sup>

Nor were the opponents of the Know Nothings at all sparing in the use of epithets. The party was characterized as a secret oath-bound, dark-lantern organization, meeting in the dead of night to concoct schemes and hoodwink their opponents. Then again it was charged with being descended from the Hartford Convention and its leaders were denounced as traitors.<sup>4</sup> The Know Nothings were denounced as Abolitionists in disguise, on account of the abolition tendencies of the Northern branch of the party, where indeed the cry of the order had by this time been changed from an Anti-Pope to Anti-Nebraska.<sup>5</sup> The climax of these characterizations was reached by a Democratic leader in Western Maryland, who is reported to have said that "St. Paul was a Democrat and all the Jews were Know Nothings."<sup>6</sup>

A special point of attack was Henry Winter Davis, who was running for Congress in the Fourth District. His in-

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<sup>1</sup> "Popery as it was in the Middle Ages, and as it is in the Nineteenth Century," 25.

<sup>2</sup> "Sons of the Sires," 201.

<sup>3</sup> "Reasons for Abandoning the Old Whig and Democratic Parties," 12.

<sup>4</sup> *American*, November 5, 1855.

<sup>5</sup> See Haynes in *American Historical Review*, for October, 1897, 79-80.

<sup>6</sup> Wm. T. Hamilton. *Clipper*, November 2, 1855.

consistencies and change of front did not fail to be availed of by his opponents. Davis had been a Whig, but when the new party came into the field he went into it, and his great ability and magnetic power soon made him one of its leaders. In 1852 he had been presidential elector on the Whig ticket, yet only three years later, in 1855, he said of the presidential canvass, in which he had taken so active a part: "In 1852 the rumps of two broken-down and discredited factions usurped the name of national parties, entered the field under the old platforms and waged a scandalous contest of bribery and fraud, which ended in the election of President Pierce."<sup>1</sup> In 1852 he had also published the "War of Ormuzd and Ahriman in the Nineteenth Century," containing an account of the fight of freedom against despotism. In this work he eulogized the foreign-born citizen and delighted to do him honor,<sup>2</sup> and he was the pronounced advocate of Kossuth and the policy of American intervention in the affairs of Europe.<sup>3</sup> Yet in 1855 he was opposed to the election of foreigners<sup>4</sup> and he favored as little connection with foreign nations as possible.<sup>5</sup> In his earlier work he had stated that "the forms of democratic government admit of no concealment \* \* \* the quarrels are as open as the unity, the peace, and the love,"<sup>6</sup> yet in 1853 he became the member of this new secret organization in Baltimore. It was said that copies of this book could not be bought in 1855, although they were plentiful before Davis was nominated for Congress.<sup>7</sup>

Nor were the incidents of the campaign confined to a mere bandying of words. There was great political excitement, and fights and personal encounters were quite frequent.<sup>8</sup> The Know Nothings while marching to their

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<sup>1</sup> "Origin, Principles and Purposes of the American Party," 19.

<sup>2</sup> "Ormudz and Ahriman," 344-348. <sup>3</sup> *Ibid.*, 367, 393, 428.

<sup>4</sup> "Origin, Principles and Purposes of the American Party," 26.

<sup>5</sup> *Ibid.*, 46.

<sup>6</sup> "Ormudz and Ahriman," 352. <sup>7</sup> "Review of H. W. Davis," 11.

<sup>8</sup> *American*, October 6.

convention had a brick thrown at them while passing the Lexington Market and a riot almost resulted.<sup>1</sup> Sometime later a shot was fired from a Democratic parade into the office of the *Clipper*, the leading Know Nothing paper.<sup>2</sup> In other parts of the State also much bitterness was manifested, and at Ellicott City, after the adjournment of a Know Nothing mass-meeting, the Know Nothings proceeded to the Union meeting, and set up such a shouting that it was impossible for the meeting to proceed.<sup>3</sup> The day before the election the report was circulated that the government at Washington had sent five hundred horse-pistols to the Democratic party.<sup>4</sup> Davis himself reported this at a mass-meeting, and having one of them handed up to him, he declared that it had the government mark upon it.<sup>5</sup>

The election passed off much like that of the year before. There was considerable fighting and rioting at various points between the Democratic and the Know Nothing clubs, and the jubilation of the victors was kept up far into the night and even into the next day. Indeed, the rioting on the day after the election was probably greater than on the election day itself. At one point a Know Nothing procession was fired upon from the second story of a building. The building was stormed and its occupants were glad enough to escape.<sup>6</sup>

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<sup>1</sup> *Sun, American*, September 22.

<sup>2</sup> *Ibid.*, October 27, 30.

<sup>3</sup> *Sun*, November 6, 1855. This was a favorite trick of the Know Nothings all over the country. George N. Julian thus describes this action in Indiana: "If a meeting was called to expose and denounce its schemes, it was drowned in the Know Nothing flood which at the appointed time, completely overwhelmed the helpless minority. This happened in my own county and town, where thousands of men including many of my old Free Soil brethren, assembled as an organized mob to suppress the freedom of speech, and succeeded by brute force in taking possession of every building in which their opponents could meet and silencing them by savage yells." "Political Recollections," 142.

<sup>4</sup> *Sun*, November 7.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Sun, American*, November 9, 1855.



The success of the Know Nothings was complete. Baltimore City and thirteen out of twenty-one counties were ranged in the Know Nothing column. Most of the Whig counties became Know Nothing, but there were three Whig counties where the Know Nothings never obtained a foothold. These were St. Mary's, Charles and Prince George's.<sup>1</sup> In Charles and St. Mary's especially did both Whigs and Democrats unite in opposition to them.<sup>2</sup> At the State Convention of the Know Nothing party in 1855 these two counties were not even represented. The reason for this was apparent. It was in St. Mary's County that the colony of Maryland had first been planted, and this and the adjoining county (Charles) had always had a large Catholic population. These counties were also adjacent to the Virginia line, and the defeat of the Know Nothings in that State in June, 1855, had also probably had its influence on the vote in this section.

Again in other sections of the country were the Know Nothings victorious. In Massachusetts they elected their candidate for Governor and in New Hampshire, Connecticut, Rhode Island, New York and Kentucky the party was again successful.

On January 2, 1856, the new Legislature met at Annapolis. The Know Nothings had an overwhelming majority in the House of Delegates,<sup>3</sup> while in the Senate<sup>4</sup> they were only able to organize with the help of some of the hold-over Whig Senators. In Massachusetts in the previous year the Know Nothing Legislature was marked by the great number of ministers elected to it, twenty-four clergymen being members, a number which has never been equaled since.<sup>5</sup> Although many clergymen had taken an active part in the Know Nothing movement in Maryland

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<sup>1</sup> *Sun*, June 5, July 3 and 11, August 25; *American*, August 18 and 27.

<sup>2</sup> *Easton Star*, June 12.

<sup>3</sup> Know Nothing 54, Whig 1, Democrat 9, Union 10.

<sup>4</sup> Know Nothing 8, Whig 9, Democrat 3, Union 2.

<sup>5</sup> *New England Magazine*, March, 1897, 7.



(a Presbyterian minister in Baltimore being especially prominent in the agitation in the preceding campaign and exceedingly persistent in his endeavors to suppress convents and nunneries), the Constitution of Maryland forbid any minister of the gospel from holding a seat in the Legislature.<sup>1</sup> The House organized by electing Wm. H. Travers, of Baltimore, Speaker.<sup>2</sup> George Wells, a hold-over Whig Senator from Anne Arundel County, was elected President of the Senate.<sup>3</sup>

Hardly had the Legislature organized when its equanimity was rudely disturbed by the message of the Governor. Governor Ligon, as a Democrat, was naturally much opposed to this new party which was sweeping all before it, and in his official communication to the General Assembly he took pains to score the Know Nothings upon their secret organization.<sup>4</sup> After reviewing the affairs of the State he considers that he would "fail to discharge a public duty" if he did not call attention to "the formation and encouragement of secret political societies." Continuing, he says: "But how much more are they to be deprecated, when those purposes tend to the subversion of the well and most dearly cherished principles of our Government, and to the establishment of rules for discriminating against large classes of citizens, not only unknown to the Federal Constitutions<sup>5</sup> and those of the several States, but plainly prohibited both by the letter and spirit of each and all of them. \* \* \* If on the one hand we permit brute force to control the ballot-box and violence to deter the quiet and peaceably-disposed citizens from the exercise of his right of suffrage, or on the other hand to allow a citizen to be proscribed on account of his religious faith, we poison the very foundation of public security, our Con-

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<sup>1</sup> Constitution 1850, Art. III, sec. 11.

<sup>2</sup> *House Journal*, 5.

<sup>3</sup> *Senate Journal*, 4.

<sup>4</sup> Governor's Message, 28, 29.

<sup>5</sup> An ambiguity of which his opponents did not fail to take advantage.

stitution becomes a solemn mockery and the Republic a cheat and a delusion whose very essence is despotism."<sup>1</sup>

Mr. Kennedy, of Baltimore, at once offered a resolution that "so much of the Governor's message as related to secret political societies be referred to a select committee of five," which should inquire as to the existence, import and character of such secret societies, and also to ascertain the kind of secrets held by such societies.<sup>2</sup> The committee was also instructed to request the Governor to communicate to them any information which he might possess, and also have power to summon witnesses. A substitute to refer the entire message to a select committee of five with instructions to refer all subjects in it to the appropriate committee was adopted,<sup>3</sup> but on the following day a reconsideration was carried,<sup>4</sup> and finally, on January 10, the original resolution was adopted by the House.<sup>5</sup> The committee as appointed consisted of Messrs. Kennedy, Hall, Goldsborough, Merrick and Smith.<sup>6</sup>

It soon became evident that the investigation was proceeding along the line of most legislative investigations, and a conclusion reached favorable to the dominant party. On January 31, Mr. Merrick submitted an order that the clerk of the House be directed to issue a summons at the instance of any two members of the committee for such witnesses as they might designate.<sup>7</sup> This, however, the House refused to do by a strict party vote of twelve to forty-seven.<sup>8</sup>

It seems that on January 19, four days after the committee was appointed, and the committee not yet having been convened or organized, the minority addressed a note to the chairman of the committee, furnishing him with a list of persons who could give testimony relative to the

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<sup>1</sup> Governor's Message, 29.

<sup>2</sup> *House Journal*, 26.

<sup>3</sup> *House Journal*, 27.

<sup>4</sup> *Ibid.*, 29.

<sup>5</sup> *Ibid.*, 46.

<sup>6</sup> *Ibid.*, 59.

<sup>7</sup> *Ibid.*, 170.

<sup>8</sup> *Ibid.*, 171.

investigation.<sup>1</sup> No notice was taken of this note, except a mere acknowledgment at the first meeting of the committee, which was held on January 31.<sup>2</sup> At the meeting on February 8, the committee by a party vote of two to three refused to examine witnesses or send for the papers.<sup>3</sup> The committee thus refusing to examine witnesses the minority carried on an investigation of its own, and on March 3 the majority and minority both presented their reports to the House.<sup>4</sup>

The majority commented rather sarcastically upon the Governor's fear of secret political societies, stating that evidently the secrets which disquieted the Governor were the political doctrines avowed in the platform of the American party which had been published in a thousand newspapers,<sup>5</sup> and which were still undergoing republication. The committee, the report stated, found no use for its power to send for witnesses and papers and the House was already possessed of the most authentic information.<sup>6</sup> The report was partly a justification of the Know Nothing party and partly an attack upon the Governor. It concluded as follows: "To call it a breach of privilege, might perhaps describe it as the greater number of judicious and impartial citizens of the State would think most appropriate. To regret it as an unfortunate exhibition of ill-timed and undeserved discourtesy, is the milder, and on that account the preferable judgment of the committee upon an act of official intercourse which for many reasons touching the dignity and harmony of the State Government, it is to be hoped may never hereafter be used as a precedent."<sup>7</sup>

The minority, as was to be expected, took an opposite course, affirming the existence of the order,<sup>8</sup> which could hardly be contradicted, and denying any religious agitation before the Know Nothings came on the scene.<sup>9</sup> They also

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<sup>1</sup> Minority Report, 6.

<sup>4</sup> *House Journal*, 622.

<sup>6</sup> Majority Report, 9.

<sup>8</sup> Minority Report, 13.

<sup>2</sup> *Ibid.*

<sup>5</sup> Majority Report, 8.

<sup>7</sup> *Ibid.*, 18.

<sup>9</sup> *Ibid.*, 24.

<sup>3</sup> *Ibid.*, 9.

gave what purported to be the ritual and pass-words of the order, together with the oaths and obligations.<sup>1</sup> They did not recommend any legislative action but left the subject to the "known patriotism, intelligence and reflection of the people of this State and the Union, whose sober second thought, past experience teaches, is not likely to fail in applying to all specious and spurious political agitations, or morbid political excitements, the best of all correctives—their censure and rebuke."<sup>2</sup>

The session had not progressed very far when it became evident that the majority of the members cared more for spoils than they did for the principles of the party. A great deal of agitation had been carried on in regard to convents, and numerous petitions were presented to the Legislature praying for the protection of persons confined in convents and nunneries.<sup>3</sup> A law which was presented proposed to give the Orphans' Court jurisdiction over the property of every inmate of such an institution, and provided that each inmate should appear in court twice a year and state whether she had any cause of complaint. Various other provisions for publicity were also inserted.<sup>4</sup> These petitions were all referred to a select committee, which consisted of three of the majority and two of the minority,<sup>5</sup> and on March 4 this committee brought in its report.<sup>6</sup>

To the surprise of all the report was unanimous. The committee did not feel called upon to inquire into the propriety of persons entering such establishments, and stated that the charge that persons are unlawfully confined was merely a general one, and no particular case had been cited. Even if such were the case, however, the committee thought the writ of *habeas corpus* offered ample protection to all citizens of the State, and if persons were unlaw-

<sup>1</sup> Minority Report, 14, *et seq.*

<sup>2</sup> *Ibid.*, 44.

<sup>3</sup> *House Journal*, *passim*.

<sup>4</sup> A. B. Cross: "Young Women in Convents."

<sup>5</sup> *House Journal*, 298.

<sup>6</sup> *Ibid.*, 641.

fully detained, it was not because the law did not afford ample protection, but because its benefits had not been availed of. In the opinion of the committee no further legislation was necessary.<sup>1</sup> On the last night of the session a member from Baltimore moved a substitute for the report of the committee. In the rush of the closing session, however, his motion was lost, and this was the end of the agitation.<sup>2</sup>

In the Senate some few petitions relative to the same subject were presented, but they were all laid on the table,<sup>3</sup> and not taken up for further consideration. The other pet doctrines of the party shared no better fate. Petitions to change the naturalization laws were referred to the Committee on Judiciary,<sup>4</sup> from which they never emerged, and a joint resolution offered in the House<sup>5</sup> to request the representatives in Congress to use their endeavors to modify the naturalization laws was never acted upon. On the last day of the session the author of the resolutions moved to call them up, but the House refused.<sup>6</sup> Petitions to equalize taxation by removing the exemptions of churches and literary institutions were likewise lost in the slough of legislative business.<sup>7</sup>

About the only thing of importance done by the Legislature was the election of a United States Senator to succeed Senator Pratt. Senator Pratt's term did not expire until March 4, 1857, and the Democratic members did not want to proceed to an election as there was no vacancy.<sup>8</sup> The Democrats proposed to postpone an election until there was a vacancy.<sup>9</sup> This would give the Governor a chance to appoint until the next meeting of the Legislature and there were hopes that the next Legislature would be Democratic. The Know Nothings, however, refused to

<sup>1</sup> *House Journal*, 641.

<sup>3</sup> *Senate Journal*, 246, 336.

<sup>5</sup> *Ibid.*, 483.

<sup>7</sup> *Senate Journal*, 91 ft.

<sup>2</sup> *American*, March 12, 1856.

<sup>4</sup> *House Journal*, 298.

<sup>6</sup> *Ibid.*, 846.

<sup>8</sup> *Senate Journal*, 135.    <sup>9</sup> *Ibid.*



fall into the trap, and on February 14, Anthony Kennedy, a brother of John Pendleton Kennedy, was elected Senator.<sup>1</sup> The point was raised that he was ineligible as he was a member of the House which elected him, but on the last day of the session he resigned his seat.<sup>2</sup> It was rumored that the Governor would refuse him his commission on the above-named ground,<sup>3</sup> but on April 18, the commission was finally issued.

The success of the Know Nothing party in 1854 and 1855 brought it into undue prominence in national politics, and it was determined that a presidential ticket should be put in the field in the contest of 1856. In this year the Know Nothings were the first in the field. Their National Convention met at Philadelphia, on Washington's Birthday, and nominated ex-President Millard Fillmore, of New York, for President, and Andrew Jackson Donelson, of Tennessee, for Vice-President. While denouncing the slavery agitation yet they had nothing to offer to quell it. The party again straddled on the slavery question. Slavery itself was not mentioned except by implication. The repeal of the Missouri Compromise was condemned, but the convention at the same time refused to endorse the right of Congress to re-establish the Missouri Compromise line.<sup>4</sup> Slavery was not mentioned; but there was vague talk about the "cultivation of harmony and fraternal good-will \* \* \* and to this end, non-interference by Congress with questions appertaining to the individual States and non-intervention by each State with the affairs of any other State."<sup>5</sup> It denounced the administration for "its vacillating course on the Kansas-Nebraska question," but gave no inkling as to what would be the proper course to pursue. An Indiana delegate, Sheets, stated the contents of the platform truly, when in accepting it he said "if there was anything in it, it was so covered up

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<sup>1</sup> *House Journal*, 327-29.

<sup>2</sup> *House Journal*, 840.

<sup>3</sup> *American*, February 25.

<sup>4</sup> Johnston: "American Politics," 175.

<sup>5</sup> For entire platform, see Appendix B.

with verbiage that a President would be elected before the people would find out what it was all about."<sup>1</sup>

The Democratic National Convention met in Cincinnati on the second of June and nominated James Buchanan and John C. Breckenridge.<sup>2</sup> On the seventeenth of the same month the first Republican National Convention met in Philadelphia and nominated John C. Fremont and William L. Dayton.<sup>3</sup> The City,<sup>4</sup> State,<sup>5</sup> and National<sup>6</sup> Conventions of the Old Line Whigs met in Baltimore, and endorsed the nominations (but not the platform) of the Know Nothing party.<sup>7</sup> The limits of this monograph do not admit of a consideration of this great national contest, but some of its principles will be discussed in the next chapter on the causes of the success of the Know Nothings in Maryland.<sup>8</sup> We must turn away from the broad vision of national affairs and confine our attention to the more restricted field of local and State politics

The Maryland campaign was waged vigorously, but the chief interest was centered in Baltimore. Here the presidential canvass was carried on concurrently with the local campaign for the Mayoralty, and for members of the City Council. The candidates for the former office had both been railroad presidents, and charges were made against each in relation to the strikes in order to get the workingmen's vote.<sup>9</sup> The Know Nothing nominee was Thomas Swann,<sup>10</sup> who had been president of the Baltimore and Ohio Railroad, and his opponent was Robert Clinton

<sup>1</sup> "Von Holst," V, 259.

<sup>2</sup> James Ford Rhodes: "History of the United States from Compromise of 1850," II, 171.

<sup>3</sup> *Ibid.*, 183.

<sup>4</sup> June 30.

<sup>5</sup> July 10.

<sup>6</sup> September 17 and 18.

<sup>7</sup> *Sun, American*, September 18 and 19.

<sup>8</sup> An admirable treatment of this campaign and the entire period in all its aspects is given by Mr. James Ford Rhodes in the second volume of his "History of the United States from the Compromise of 1850." The fifth volume of Von Holst also treats it at great length.

<sup>9</sup> *Sun*, October 7, 1856.

<sup>10</sup> *Sun, American*, September 23, 1856.

Wright,<sup>1</sup> an ex-president of the Baltimore and Susquehanna, now the Northern Central Railroad.

If the campaign of the preceding year had been exciting and disorderly, this one was doubly so. Fighting and rioting seemed to be the order of the day. On September 11, the newly organized Republican party attempted to hold a meeting in Baltimore.<sup>2</sup> Only about thirty or forty persons were present, while a mob of about two thousand howled outside of the hall and finally broke up the meeting.<sup>3</sup> The same week was also characterized by three other riots of a more or less serious character.<sup>4</sup> A favorite method was for the clubs to cut down the flag poles which had been raised by the opposing party. A few days before the election the Democrats tore down a Know Nothing banner, and the usual riot resulted. The Democrats took refuge in a house on Marsh Market Space, which they defended with a swivel placed in the doorway, while their antagonists showered bricks upon it.<sup>5</sup>

The municipal election occurred first, on October 8. The disorder during the campaign had presaged a riotous and exciting election, and the events of the day did not disappoint these anticipations. Besides the usual pushing and crowding with consequent fighting at each polling place there were two riots of considerable proportion. In the Eighth Ward the American ticket holders were driven off, and their uptown friends coming to help them, the opposing forces met at the corner of Monument and Calvert Streets.<sup>6</sup> Up Monument Street toward the Washington Monument raged the conflict, the rioters firing from behind steps and tree boxes. The Lexington Market was also the scene of a desperate encounter. Here the Know Nothing Clubs, known as the Rip Raps and the Plug Uglies, were ranged against the New Market Fire Company, and

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<sup>1</sup> *Sun, American*, September 23, 1856.

<sup>2</sup> *Ibid.*, September 12, 1856.    <sup>3</sup> *Ibid.*    <sup>4</sup> *Sun*, September 16, 1856.

<sup>5</sup> *American*, October 6, 1856.

<sup>6</sup> *Sun, American*, October 9.

for over two hours the partisans fought in and out of the Market House.<sup>1</sup> As a result four persons were killed and many wounded.

The Know Nothing candidate for Mayor was elected by about fifteen hundred majority, and the Know Nothings also elected a majority of the members of the City Council.<sup>2</sup> During the night the city was in uproar, and even during the next day the disorder continued. In the Eighth Ward large parties of men armed with muskets congregated on the street corners, awaiting the expected attack of the Know Nothings of the upper wards.<sup>3</sup>

The following from the diary of Dr. L. H. Steiner will give an idea of the condition of affairs at this time :

October 8. "This has been one of the most disgraceful days for Baltimore. From early in the morning until very late at night, both parties have been drawn in deadly array against each other, and Plug Uglies and Rip Raps and Eighth Ward Blackguards have endeavored to see which could be vilest and most inhuman. The so-called American party seems to have the most villainous material in its composition, while the other side has never been deficient in that article. A number of men have been killed to-day and over fifty wounded, more or less dangerously. At some of the polls only such as were of the party predominating at the polls were allowed to vote. Affairs going on in this way and the elective franchise will become a humbug. Swann elected Mayor by a large majority."<sup>4</sup>

October 9. "The day is bright and beautiful, but the evil passions of men seem not yet to have died out. Fights and wounds of various kinds were the order of the day, and on a small scale some of the scenes of yesterday were re-enacted."<sup>5</sup>

<sup>1</sup> *Sun, American*, October 9.

<sup>2</sup> First Branch, Know Nothing 13, Democrat 7; Second Branch, Know Nothing 5, Democrat 5.

<sup>3</sup> *American*, October 10.

<sup>4</sup> B. C. "Steiner: Citizenship and Suffrage in Maryland," 39. <sup>5</sup> *Ibid.*

During the interval between this and the presidential election an effort was made to prevent a recurrence of such riotous scenes. A committee of citizens waited upon the Mayor and requested him to call the City Council in extra session in order to make some special preparations against disorder.<sup>1</sup> This the Mayor refused to do, stating that he did not fear a recurrence of the disorder, and adding that he had made such arrangement as would insure the peace of the city.<sup>2</sup> What these arrangements were the Mayor did not state at the time, but on October 31 he ordered the whole Light Division of Infantry to be under arms and equipped at their armories at eight o'clock of the day of election.<sup>3</sup> The order was afterwards countermanded but the troops were ordered to keep themselves in readiness.<sup>4</sup> The Governor also came to Baltimore just before the election and proffered his services to assist in maintaining order. The Mayor coolly repulsed his overtures, and the election being too near at hand to accomplish anything, the Governor was compelled to retire.<sup>5</sup>

The events of the day proved that the fears were not ill founded. Fighting and rioting occurred in various parts of the city, but the most serious affair was in and around Belair Market. The fighting here began about three o'clock and continued desperately until dark. The Know Nothings brought with them a small cannon mounted on wheels, which was loaded with all kinds of missiles. The Democrats, however, overpowered them and got possession of the cannon, and the high constable and twenty policemen were not able to prevent the rioters from carrying it off.<sup>6</sup> As a result of this fighting we find a list of ten killed and over two hundred and fifty wounded, making a total of fourteen killed in the two elections. We have the following from Dr. Steiner's diary :

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<sup>1</sup> *Sun, American*, October 27.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Sun*, November 1.

<sup>4</sup> *Sun*, November 3.

<sup>5</sup> Governor's Message, 1858, 21.

<sup>6</sup> *Sun, American*, Nov. 5.



November 4. "The usual amount of rioting made its appearance during the day and after the plan of the last election day. Wounding, maiming and killing were not infrequent. When will the executive of the city be able to manage its internal affairs?"<sup>1</sup>

The result of the election was the complete success of the Know Nothings in the State. They carried the city of Baltimore by over seven thousand majority and the State by over eight thousand. The party alignment in the various counties was practically the same as that of the preceding year. Only in Maryland, however, was the party successful. The straddle over the slavery question had been a failure. It was a cry of peace, peace, where there was no peace. The slave States went solidly for Buchanan and in addition he carried Pennsylvania, New Jersey, Indiana, Illinois and California, giving him 174 electoral votes. Fremont received only 114. In the State elections in Massachusetts, Rhode Island and New Hampshire the Know Nothings were nominally victorious, but their candidates were really Republicans and in the national contest these States were all carried by Fremont, the Republican candidate. The national aspirations of the Know Nothings had vanished into thin air. In the North where they had shown their greatest strength, they had served as a bridge between the old Whig party and the Republican party. In the South the party still existed to a slight extent in a desultory way in local affairs but it never carried another election, except in the State of Maryland.

We have seen that when the Know Nothings attempted to "rough" the elections the Democrats met them in the same manner, and in many cases the Democrats were the aggressors. Although the disorder and violence increased to a great extent during the Know Nothing days, the Know Nothings were not the originators of this disorder. In the Constitutional Convention of 1850 we

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<sup>1</sup> Steiner, 39.

find numerous complaints against the rowdies in the city of Baltimore, who went from poll to poll committing acts of violence and interfering with the elections.<sup>1</sup> In the same year we find the practice of cooping voters in full sway and the Mayor<sup>2</sup> of the city only escaped being cooped by the swiftness of his horse.<sup>3</sup> In the campaign of that year a gang of rowdies, known as the "Reubenites," were especially prominent in creating street fights.<sup>4</sup> Not only were fights between rival factions frequent, but crime and rowdyism of all kinds were so prevalent that the newspapers complained that it was unsafe for peaceable citizens to walk the streets at night.<sup>5</sup>

The papers of the time are full of reports of the prevalent disorder, and in 1852 when the Know Nothing order was just beginning its secret operations we hear frequent complaints against the lawlessness then prevalent in the city.<sup>6</sup> Holidays and Sundays especially were the days on which disorder was most common. If one of these passed without disorder it was the subject of congratulation for the newspapers on the next day. The disorders became so frequent that Mr. George William Brown took occasion to make it the subject of an address at the Maryland Institute on March 11, 1853. After commenting upon the increasing lawlessness, the speaker read from a newspaper<sup>7</sup> the record of the happenings in the city on the previous Thanksgiving Day. After enumerating the general disorder he tells of two attempts of highway robbery upon respectable citizens, followed by "a case of incendiarism of an outhouse, the flames of which communicated to a dwelling on Saratoga Street, but the event is passed over without much notice, as if it were an ordinary occurrence, as in fact it really was. And then we have an account of two riots, one on Thanks-

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<sup>1</sup> Steiner, 36. "Debates—Convention 1850," 32, 36, 64.

<sup>2</sup> Elijah Stansbury.

<sup>3</sup> *Clipper*, October 8, 1850.

<sup>4</sup> *Ibid.*, October 10.

<sup>5</sup> *Ibid.*, September 11, October 24, 1850.

<sup>6</sup> Editorials in *American*, November 11, 17, December 1, 17, 1852.

<sup>7</sup> *Sun*, November 27, 1852.

giving night and the other on the afternoon of the previous day. Persons connected with different fire companies were the combatants. Pitched battles were fought, muskets, pistols and other dangerous weapons used. Various persons were injured, but most of them were carried from the ground before their names were ascertained."<sup>1</sup>

It was essentially an age of disorder. In the light of subsequent events this period seemed, as John Quincy Adams said of the struggle over the admission of Missouri, "A mere preamble—a title page to a great tragic volume."<sup>2</sup> Not only men, but almost every boy, carried a pistol, and did not hesitate to use it.<sup>3</sup> Drunkenness and debauchery were also common.<sup>4</sup> But probably the most frequent cause of disorder were the volunteer fire companies. The rivalry between the various companies was intense, and hardly a fire occurred but what there was a free fight between the members and adherents of the various companies. Besides the natural rivalry between the companies, the engine houses were also the center of political organization,<sup>5</sup> and this helped to increase the disorder. Buildings were frequently set on fire merely for the purpose of bringing out the companies and the resulting fight.<sup>6</sup>

One cause of the disorder was the extremely loose organization of the police department. Prior to 1857, the force consisted of one day policeman in each ward and the night watchmen.<sup>7</sup> The officers were not uniformed, with very little discipline, and with no facilities for ferreting out crime. The police were often chosen for political reasons and taken from the very roughs whom it was their duty to

<sup>1</sup> *American*, March 18, 1853.

<sup>2</sup> *Diary*, IV, 502.

<sup>3</sup> *American*, September 27, 1856. A deputation of boys visits the Mayor and ask to have their fire-arms restored, which the police had taken away from them.

<sup>4</sup> Mayor's Message, 1858.

<sup>5</sup> *Sun*, September 23, 1857.

<sup>6</sup> In 1858 of 255 fires, 130 were of incendiary origin. Mayor's Message, 1859.

<sup>7</sup> Folsom : "Our Police," 203 ff.

subdue. In 1850 police officers were even reported to be engaged in cooping, and one is said to have been hurt while standing guard over one of these coops.<sup>1</sup>

With such a general state of lawlessness, and such a police organization, it is little to be wondered at that election day was the occasion of disorder and bloodshed. Add to this the fact that there was only one polling place in each ward, and the resulting crowding and pushing easily develops into more extended disorder. The maintenance of a challenger at the window was acknowledged to have been a question of muscle.<sup>2</sup> The lack of any registration of voters gave an incentive to fraud, and it was generally admitted as early as 1850.<sup>3</sup> The voter merely presented himself before the judges, and proved his right to vote as best he could.

I have given these facts at some length to show that the Know Nothing party was not the originator of such methods at elections. Indeed, not long after the party started, the originators were swept aside and the party was in the control of those desiring offices. These men helped to support the clubs, and many of the old members raised their voice in protest against such violent measures.

These clubs were also characteristic of the politics of the time, and were peculiar to neither party. They were modeled after the Empire Club of New York, the great Democratic organization. The names of these clubs in themselves are valuable as reflecting the character of the politics of the day. Among the American clubs were the Black Snakes, the Tigers, the Rough Skins, the Red Necks, the Thunderbolts, the Gladiators, the Ranters, the Eubolts, the Little Fellows, the Ashland Club (of which I. Freeman Rasin, the late Democratic boss of Baltimore, was secretary), the Rip Raps, the Screw Boats, the Stay Lates, the

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<sup>1</sup> *Clipper*, October 1, 1850. Edgar Allan Poe, the brilliant Southern poet, died after being shut up in one of these coops on October 3, 1849. See Woodberry: "Life of E. A. Poe," p. 342.

<sup>2</sup> "Maryland Contested Election, 808."

<sup>3</sup> Steiner, 37. "Debates—Convention 1850," 58, 62.



Hard Times, the Dips, the Plug Uglies, and the Blood Tubs. The latter acquired their name from the fact that at one of the elections a tub of blood was brought from a nearby slaughter house, and this was applied very freely to the persons of foreign voters in order to frighten the others.<sup>1</sup> The Democratic clubs were not far behind in the matter of euphonious names, for among them were numbered the Bloody Eights, the Double Pumps, the Calithumpians, the Ferry Road Hunters, the Gumballs, the Peelers, the Pluckers, the Shad Hoes, the Bloats, and the Butt Enders.

Nor was Baltimore alone in such a troubled experience, as every city of any size in the country was going through an era of disorder and riot. The newspapers and magazines are full of accounts of riots and outrages. The following extract will give an idea of life in American cities: "What Dante says of the Tuscan City is, in a ten-fold degree, true of our great commercial metropolis—heart, soul and center as it is of the life and enterprise of the Republic. Its growth outstrips all calculation; its luxury is not less reduplicative and its corruption is unspeakable. \* \* \* The supremacy of the Empire Club at the ballot box is confessed in our highest Federal elections. On the spot. you are informed that the mob has elected itself to the magistracy of the city, and that the watchmen are themselves thieves. \* \* \* Not to dwell on other numerous details, which are familiar to all readers of the newspapers, and touching lightly upon the negro and fire riots of Philadelphia, we are sorry to learn that the beautiful city of Baltimore finds it proverbial wealth and refinement suddenly surrounded by a ruffianism more brutal and more aggressive than has been heretofore imagined a possibility in America."<sup>2</sup> And this was written as early as April, 1853.

I have traced the history of the Know Nothing party

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<sup>1</sup> "Maryland Contested Election," 829. *Clipper*, November 9, 1855.

<sup>2</sup> "Religion for the Republic," *Church Review*, April, 1853.



in Maryland down through the year 1856. This year divides the history of the party into two distinct periods. The campaign of 1856 was its first and last campaign as a national party. In the spring of 1857 the National Council met and recommended that each State should be allowed to adopt such a platform as it deemed best.<sup>1</sup> After this date principles are wholly lost sight of and the party is ruled entirely by the clubs and the aspirants for office. The Democratic party, defeated and disheartened, and hopelessly divided into rotators and anti-rotators, no longer offered an effective resistance. Hereafter we do not have the bloody riots which characterized the first period. The fighters of the Democracy, beaten and outnumbered, refused to give battle, and some, eager to be on the winning side, joined the ranks of the Know Nothings, and the latter had sense enough to leave the Eighth Ward, the stronghold of the Irish, in the undisputed sway of the Democrats. From this time the election disorder consists in intimidating and in sticking awls into peaceful citizens. But these events can best be considered in their proper place. The next chapter will be devoted to the consideration of the causes of Know Nothing success in this first period.

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<sup>1</sup> June 2, at Louisville.

### III. CAUSES OF THE SUCCESS OF THE KNOW NOTHINGS.

In considering the causes of the success of the party in Maryland, we shall first take up the opposition to the foreigners. It is far beyond the scope of this monograph to consider the effect of immigration upon American civilization or the development of the country. I shall merely consider the conditions which led to opposition to the foreigner at this time. The late forties and the early fifties were years unprecedented in the number of immigrants who came into the country. Never before and not for twenty years afterward was there such a rush of immigrants as between 1850 and 1855. The immigration was 408,828 in 1851, 397,343 in 1852, 400,474 in 1853, 460,474 in 1854.<sup>1</sup> In Maryland there are no figures to show the number of foreign settlers each year, as many of the immigrants arriving at Baltimore went through to the West, and many also came to Maryland who had landed at the Northern ports. However, we may take the figures of the census of 1860 as approximately representing the proportion of foreign population in Maryland, as there was a great falling off in the immigration after 1854, and the foreign-born population did not increase in any larger ratio than the natives. In 1860 the total white population in the State was 599,860. Of these the foreign-born numbered 77,536, or a little over eleven per cent. of the entire population. This, however, was not evenly distributed, but was mostly in the city of Baltimore. Here the total population was 212,418, while

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<sup>1</sup> House Executive Documents, 34th Congress, 3d Session, No. 78, 37. Also Brownell: "History of Immigration," 153. The figures vary slightly in the different reports, but not enough to make any material difference.

the foreign-born numbered 52,497, or over twenty-four per cent. of the entire white population of the city. This left the proportion of foreign-born to the native population in the entire State outside of Baltimore a little over six per cent. Of the 52,497 foreign-born citizens in Baltimore, 32,613 were Germans and 15,536 were Irish.<sup>1</sup>

As the stream of immigration rose higher and higher, it could not help but stir up apprehension, and it was feared that the United States would be swamped in the ever-increasing tide. At various times in the history of the country opposition has cropped out against the immigrants. Notably in the Alien Act of 1798 and in the short-lived Native American movement in 1844-45. To the natives in the fifties it appeared that this was a part of the work of the Holy Alliance in its endeavors to suppress democracy.<sup>2</sup> Men in Congress gravely gave vent to their fears that the country was endangered by this immigration, and it was pointed out how easy it would be for a foreign power to send an army of a hundred thousand men to this country in the guise of immigrants.<sup>3</sup> Furthermore, the Duke of Richmond was reported to have said that the European governments were determined upon our destruction, and that by sending over the low population of Europe we would be plunged into civil war and discord, and a despotism would result.<sup>4</sup>

The fears were increased by the conduct of the immigrants themselves, and especially of the Germans. Indeed, many of the latter had come to this country after the suppression of the revolutionary outbreaks in Europe in 1848, expecting to return within a few months and to recom-

<sup>1</sup> Census 1860. "Volume on Population," xxxi.

<sup>2</sup> Robertson: "The American Party, its Principles, Objects and Hopes," 15.

<sup>3</sup> *Cong. Globe*, 2d Session, 33d Congress. Appendix, 94.

<sup>4</sup> "Reasons for Abandoning the Old Whig and Democratic Parties," 9.

mence their opposition to the governments.<sup>1</sup> These Germans made no effort to Americanize themselves,<sup>2</sup> and in fact they thought that all America would be Germanized.<sup>3</sup> This was to be accomplished by the founding of German States in the West and in the dissemination of German culture from these central points.<sup>4</sup> These movements did not fail to be noticed by American politicians, and one member of Congress expressed himself as follows: "The foreigner believes that America is the natural rendezvous for all the exiled patriots and disappointed and turbulent persons of the earth, and that here they are to meet to form plans and concoct schemes to revolutionize all creation and the rest of mankind."<sup>5</sup> And again: "They aspire to play reformers and insolently form associations and devise plans to improve our homely American institutions into the likeness of the bloody and drunken dreams of French and German liberty."<sup>6</sup>

These tendencies were embodied in the demand of the German Social Democratic Association of Richmond,<sup>7</sup> and the organization of a German Reform party by the "Free Germans" of Louisville, Ky.<sup>8</sup> The reforms demanded by the German Democratic Association were as follows:

"Reforms in the laws of the General Government as well as those of the States. We demand: (1) Universal Suffrage. (2) The election of all officers by the people. (3) The abolition of the Presidency. (4) The abolition of Senates, so that the Legislatures shall consist of only one branch. (5) The right of the people to recall their repre-

<sup>1</sup> T. S. Baker: "Lenau and Young Germany in America," 56.

<sup>2</sup> *Ibid.*, 57.

<sup>3</sup> *Ibid.*, 60.

<sup>4</sup> *Ibid.*, 72. A full account of these German movements may be found in the work of Dr. Baker referred to.

<sup>5</sup> *Cong. Globe*, 2d Session, 33d Congress. Appendix, 95.

<sup>6</sup> H. W. Davis: "Origin, Principles and Purposes of the American Party."

<sup>7</sup> *Cong. Globe*, 2d Session, 33d Congress. Appendix, 95.

<sup>8</sup> *American*, April 22, 1854.

sentatives (cashier them) at their pleasure. (6) The right of the people to change the Constitution when they like. (7) All law-suits to be conducted without expense. (8) A department of the Government to be set up for the purpose of protecting immigration. (9) A reduced term for acquiring citizenship.

“Reform in the foreign relations of the Government: (1) Abolition of all neutrality. (2) Intervention in favor of every people struggling for liberty.

“Reform in what relates to religions: (1) A more perfect development of the principle of personal freedom and liberty of conscience; consequently (a) abolition of laws for the observance of the Sabbath; (b) abolition of prayers in Congress; (c) abolition of oath upon the Bible; (d) repeal of all laws exacting a religious test before taking an office. (2) A prohibition of incorporations of all church property in the name of ecclesiastics.

“Reform in the social condition: (1) Abolition of land monopoly. (2) Ad valorem taxation of property. (3) Amelioration of the condition of the working class: (a) By lessening the time of work to eight hours for grown persons, and to five hours for children; (b) by incorporation of mechanics’ associations and protective societies; (c) by granting a preference to mechanics before other creditors; (d) by establishing an asylum for superannuated mechanics without means at the public expense. (4) Education of poor children by the State. (5) Taking possession of the railroads by the State. (6) The promotion of education: (a) by the introduction of free schools, with the power of enforcing parents to send their children to school and prohibition of all clerical influence; (b) by instruction in the German language; (c) by establishing a German University. (7) The supporting of the slave-emancipation exertions of Cassius M. Clay by Congressional laws. (8) Abolition of Christian system of punishment and introduction of the



human amelioration system. (9) Abolition of capital punishment."<sup>1</sup>

The demands of the German Reform party at Louisville were practically the same as the above.<sup>2</sup>

These, however, were merely the radical dreams of a small coterie of theorists, and were looked upon by the people as such.<sup>3</sup> If the foreigner had kept out of politics, all this talk of foreign domination would probably have fallen flat. But such an increase in the number of voters through naturalization did not escape the keen notice of the American politicians of both parties, and frantic efforts were made to command this foreign vote.<sup>4</sup> Runners were employed to colonize these voters in boarding houses,<sup>5</sup> and in one instance a committee in New York took one hundred and sixty aliens from a ship just arrived from Liverpool on the day of election, and conducted them to the polls, after having informed them that they became American citizens the instant their feet touched the American shore.<sup>6</sup> The Democratic party seems to have been most successful in these tactics, as most of the foreign voters (both German and Irish) were enrolled with that party.<sup>7</sup> This in itself was enough to set most of the Whigs against the immigrant. General Scott, however, the Whig nominee for President in 1852, made a great bid for the foreign vote when he spoke of a "rich Irish brogue" and a "sweet German accent."<sup>8</sup>

The catering of the politicians to the foreign vote could not but give the immigrants an exaggerated idea of their

<sup>1</sup> *Cong. Globe*, 2d Session, 33d Congress. Appendix, 95.

<sup>2</sup> *American*, April 22, 1854.      <sup>3</sup> *American*, editorial, April 22, 1854.

<sup>4</sup> "Remarks on the Majority and Minority Report of the Select Committee on Secret Societies of the Maryland House of Delegates," 11.

<sup>5</sup> *Ibid.*, 12.

<sup>6</sup> *Ibid.*

<sup>7</sup> Koerner: "Das Deutsche Element in den Vereinigten Staaten," 403. *Christian Examiner*, 1851, LI, 355. "Principles and Objects of the American Party," 14.

<sup>8</sup> Henry A. Wise: "Letter on Know Nothingism," 29.

importance in politics. Consequently they began to interfere in local politics through organizations of their own. This was especially true of the Germans, who, speaking a different language and naturally somewhat clannish, presented a good opportunity to be controlled as a unit. The politicians also favored this, as it enabled them to manage this vote more easily through a few influential leaders than if they had to deal with them as individuals. The result was that the Germans soon learned their power and began to form organizations of their own.<sup>1</sup>

During 1853 the Germans in Baltimore held frequent meetings in order to discuss the merits of the various candidates.<sup>2</sup> They finally sent inquiries to each candidate for Congress, inquiring: (1) "If he is convinced of the justice and necessity of our organization? (2) If he openly pledges himself to represent us in Congress according to the laws of equity and justice without any reference to native-born American citizens?"<sup>3</sup> Only one candidate,

<sup>1</sup> *Easton Star*, September 6, 1853. Cf. the following from the *Baltimore Sun* of January 12, 1898: "A German-American Republican Club was organized last night at 1000 Hopkins Avenue, in the Seventh Ward, with 150 members.

"The Constitution provides that no one shall be admitted to membership in the club who cannot speak and write the German language. In addition it is stipulated that all the proceedings of the meetings shall be in the German language and that all speeches delivered on all occasions must be made in German. \* \* \*

"Mr. K. Rudolph Sternberg, in a speech at the club, said: 'The Germans, considering their numbers in this country, have no representation in the city, State or National Government. There is only one native born German now in Congress, Mr. Barthold, of Missouri. It was left to him to be the sole defender of the illustrious Carl Schurz, a few days ago when that gifted statesman was attacked in Congress by Representative Grosvenor of Ohio. We must organize and stick together if we are to have any representation such as we deserve in the Nation, to whose greatness our race has contributed so much.'

<sup>2</sup> *Easton Star*, Baltimore Correspondence, September 6, 1853.

<sup>3</sup> *Sun*, July 4, 1853; *Clipper*, July 6; *American*, July 9.

Mr. William Preston, had the independence to declare himself opposed to any political organization along national lines. The others were not all so frank, and one candidate evaded the questions by replying that he could not answer, owing to an attack of cholera morbus, saying, "My physical and almost mental depression would have rendered it impossible for me to reply to the letter in such a manner as I desire to do to the German Association."<sup>1</sup>

Such an interference of the newcomer in American politics could not help but stir up the natives against him. Statistics of crime and vagrancy were appealed to in order to show the demoralizing effect of the foreigner (not the German especially) upon American life.<sup>2</sup> There were no doubt among the immigrants some convicts and paupers deported by the European governments. The most undesirable portion of this immigration had also settled in the large cities, and these were the centers of Know Nothing strength. As to the charge that the foreign element was responsible for the disorder, the lawless conduct of the Know Nothing party belied this statement. The industrial competition of the foreigner also stirred up opposition against him. Kossuth, the Hungarian patriot, had visited the United States a few years before, and had been enthusiastically received and *fêted* in all parts of the country. The reaction against everything foreign was now beginning to set in.

In Maryland and the South immigration was feared on account of its effect upon the question of slavery. This was really the cause of the opposition to the foreigner south of Mason and Dixon's line. There being no large cities, there was no great foreign settlement in the South, except in Baltimore, as free labor found it impossible to exist alongside of slave labor. It was not because the foreigner settled among them that the Southerners opposed him, but because he was opposed to slavery, and went to settle new

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<sup>1</sup> *Snu*, July 4, 1853.

<sup>2</sup> "Madison Letters," No. 8.

free States in the Northwest.<sup>1</sup> Indeed, the fantastic imagination of the extreme pro-slavery advocate, always seeking a bogey, saw "abolition emigrant societies stretching their arms all over Europe to subsidize the foreigner into a crusade against slavery."<sup>2</sup> The opposition was most forcibly manifested on the breaking out of the Civil War. On April 20, 1861, the German Turner Hall was sacked by indignant Southern men because it was reported that a number of Germans had volunteered their services to the government at Washington. On the same night the office of the *Wecker*, a German paper, was attacked by a mob on account of the anti-slavery views expressed by that journal.<sup>3</sup> Englishmen were also disliked because of opposition to slavery, and it was charged that they had come to stir up discord on the slavery question.<sup>4</sup> The Irish immigrants, being mostly Catholics, came in for a double share of the opposition.<sup>5</sup> However, many of the bitterest of the Know Nothings, although of course not members of the order, were the Protestant Irish who joined the party on account of its opposition to their Catholic brethren.<sup>6</sup> This leads us to a consideration of the opposition to the Catholics.

Mr. James Ford Rhodes has said that "distrust of Roman Catholicism is a string that can be artfully played upon

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<sup>1</sup> "Reasons why Coleman Yellott would not have Voted to Censure Henry Winter Davis," 7.

<sup>2</sup> Speech of L. M. Keitt, of South Carolina, in the House of Representatives. *Cong. Globe*, 2d Session, 33d Congress. Appendix, 67.

<sup>3</sup> *Sun, American*, April 22, 1861.

<sup>4</sup> "Reasons for Abandoning the Old Whig and Democratic Parties," 10. It is worth noting that English travelers in this country returned to England and stirred up a public feeling against slavery; yet when the Civil War broke out the aid and sympathies of England were entirely with the South. It is a signal illustration of Cecil Rhodes late remark about "English philanthropy plus five per cent."

<sup>5</sup> "Principles and Objects of the American Party," 14.

<sup>6</sup> Maguire: "Irish in America," 450.

in an Anglo-Saxon community.”<sup>1</sup> Every now and then it crops out in Lord George Gordon “No Popery Riots,” in a Know Nothing movement, or the latest manifestation of it in the A. P. A. But it required no artful playing to bring this question to the front in the early fifties. There were causes at this time, both general and local, which had a great influence in stirring up opposition to the Catholics.

In its early settlement Maryland had been largely colonized by Roman Catholics, the proprietor of the colony himself being a Catholic. With the increase in the numbers of Protestants ill feeling had developed, where at first there had been more or less mutual toleration. As the number of Puritans in the colony increased, this opposition became more strenuous, and in 1654 the Act of Toleration was repealed and a new act provided “that none who professed and exercised the Popish (commonly called Roman Catholic) religion could be protected in this province.”<sup>2</sup> In 1658 the Act of Toleration was again enacted.<sup>3</sup> The Catholics and Protestants distrusted each other, and the opposition to the Catholics, combined with the grievances against the Proprietor, were enough to overthrow the proprietary government when the news of the invasion of England by William III reached the colony in 1689.<sup>4</sup>

The descendants of the Protestants inherited and shared this antipathy to the Catholics, and at various times considerable ill-feeling was developed. For instance, this showed itself in 1839, when a great commotion was caused by the escape of a nun from one of the convents.<sup>5</sup> This nun,

<sup>1</sup>J. F. Rhodes: “History of the United States since the Compromise 1850,” II, 50.

<sup>2</sup>“Maryland Archives, Proceedings of the Assembly, 1654,” 340.

<sup>3</sup>*Ibid.*, 351.

<sup>4</sup>F. E. Sparks: “Causes of the Maryland Revolution of 1689,” Johns Hopkins University Studies in Historical and Political Science, Series XIV, Nos. XI and XII, *passim*.

<sup>5</sup>A. B. Cross: “Priests’ Prisons for Women,” 11; also *Sun, American*, August 19, 1839.



who, it was alleged, was of unsound mind, took refuge in a house in the neighborhood of the convent, and threw herself upon the protection of the residents. The priest in charge of the convent attempted to take her back, and, the day being Sunday, a large crowd soon gathered, and it looked as if serious difficulty would result. Only the timely arrival of the Mayor,<sup>1</sup> and the interference of calmer citizens prevented serious trouble. There was considerable talk of mobbing the convent, and a number of citizens volunteered to guard it during the night.

This was only an outcropping of the sentiment against the Catholics, which the Catholics themselves fostered a short time before the rise of the Know Nothing party by their activity in injecting a sectarian issue into local politics in order to obtain a division of the public school fund. It was the old struggle which recurs at frequent intervals, in which the Catholic Church shows itself hostilely opposed to the American system of public schools. The Catholics themselves gave the Know Nothings good cause for complaint against "the aggressive policy and corrupting tendencies"<sup>2</sup> of the Catholic Church. Indeed, there could have been hardly any objection raised against the public schools of Baltimore on the score of religious teaching. No **sectarian** instruction was given, and even in the matter of Bible reading a distinction was made between the Protestant and Catholic children. The Protestant version was read to the children of Protestant parents, while the Douay version was read to the Catholics in another apartment.<sup>3</sup>

In view of these facts it seemed all the more offensive that a bill should be introduced into the Legislature allowing a division of public funds among private schools giving

<sup>1</sup> S. C. Leakin.

<sup>2</sup> Platform 1855, sec. 8.

<sup>3</sup> "Report of the School Commissioners of Baltimore, 1856," 45.

gratuitous instruction. At the sessions of the Legislature in 1852 and 1853<sup>1</sup> the "Kerney Bill," so-called from the chairman of the Committee on Education, was reported for the above purpose.<sup>2</sup> The bill of 1852 was laid on the table on the motion of its author,<sup>3</sup> and not again taken up, while that of 1853 was taken up<sup>4</sup> and given back to the committee, from which it never reappeared. Numerous petitions both for and against the measure were presented,<sup>5</sup> the great majority being opposed to it, and in 1853 a mass-meeting was held at the Maryland Institute to protest against the passage of the bill.<sup>6</sup> This meeting was addressed by the most prominent Protestant ministers of the city. Also at the same time a memorial headed by Archbishop Kenrick, praying for a reform of the public schools, was presented to the City Council.<sup>7</sup>

In the municipal campaign of 1852 the question had been brought even more directly into the field of politics. The Archbishop and some representative Catholics addressed the following circular-letter to the candidates for Mayor, asking them to define their positions:

"The undersigned, on behalf of themselves and many of the citizens, desire to know prior to the next election for Mayor of the city:

1. "Whether or not you are favorable to such a change in the present school laws as would secure a distribution of the school fund amongst all the schools and orphan asylums of this city, *pro rata* to the number of scholars, where the rate of charge is not greater than that in the public schools of similar grade; or

2. "Such a change as would secure to each taxpayer the right to select the particular schools to which his portion

<sup>1</sup> The same Legislature sitting in two separate years, owing to the adoption of a new Constitution.

<sup>2</sup> *House Journal*, 1852, 606. *Ibid.*, 1853, 330.

<sup>3</sup> *Ibid.*, 1852, 768.

<sup>4</sup> *Ibid.*, 1853, 551.

<sup>5</sup> *Ibid.*, 1852 and 1853, *passim*.

<sup>6</sup> *Clipper*, April 12, 1853.

<sup>7</sup> *Journal First Branch City Council*, 1853, 545.

of the school tax shall be paid (see Declaration of Rights, 1776, section 33).

3. "And whether or not, if a bill affecting such changes in the present law shall pass the City Council, you would give your assent to it, should you be elected to the Mayoralty of this city.

"To prevent misapprehension for the future, the undersigned waive for the present all questions as to the constitutionality of any school tax."<sup>1</sup>

This letter was signed by B. R. Spalding, F. Neale, M. Courtney Jenkins, and T. Parkin Scott. Both the candidates rather evaded a direct reply, stating that they would give the subject the proper consideration which their duty required.<sup>2</sup> These answers were so far from being satisfactory that there was considerable talk of running a third candidate who would favor the Kerney Bill.<sup>3</sup> The advocates of the measure were too sharp to expose themselves to an undoubted defeat, and so the matter rested. When the Know Nothing party came on the scene, a short time later, their opponents and the Catholics were quick to denounce them for introducing the question of religion into politics, but the Catholics had evidently anticipated them in this respect.

Not only in Baltimore but in Western Maryland as well, was their political activity manifested. In Cumberland the Catholics were said to have nominated one of their own number for the City Council in order to condemn and close a street which ran between the German Catholic Church and some property owned by the priest.<sup>4</sup> It was also charged that the Catholics had deserted the Whig party in great numbers in the election of 1850 in order to vote for Lowe, the Democratic candidate for Governor, who was a Catholic.<sup>5</sup>

<sup>1</sup> *Clipper*, October 1, 1852.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*, October 2.

<sup>4</sup> *Clipper*, May 9, 1853.

<sup>5</sup> H. W. Davis: "Origin, Principles and Purposes of the American Party," 31.

So far we have only considered the local conditions which were likely to contribute to the success of a party which had opposition to the Catholics as one of its tenets. But there were a number of more general conditions which did not fail to be noticed. In several States there had been a movement to take the Bible out of the public schools, and this had stirred up particular resentment. In New York this was especially true. Archbishop Hughes had thrown the weight of his influence direct from the pulpit in favor of certain candidates who were favorable to the Catholics. After reviewing the contest, he said, "The question lies between the two parties, and you are the judges; if you desert the cause, what can you expect from strangers? \* \* \* I wish therefore for you to look well to your candidates, and if they are disposed to make infidels or Protestants of your children, let them receive no vote of yours."<sup>1</sup> Archbishop Hughes was well calculated to stir up some of the Catholics to assert what they were told were their rights. In 1844, during one of the periodical outbreaks between the Protestants and the Catholics in New York, the Archbishop encouraged armed resistance, and when milder measures were counseled by some of the Catholics he retorted that "if a single Catholic church were burned in New York, the city would become a second Moscow."<sup>2</sup> The attitude of the Catholic Church on the question of church property led to a long controversy between Senator Brooke of New York and Archbishop Hughes. It was a rule of the Catholic Church that all church property should be vested in the bishop. The trustees of the Church of St. Louis, in Buffalo, refused to transfer their title, and as a result they were put under the ban of the Church and

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<sup>1</sup> Maguire: "Irish in America," 434.

<sup>2</sup> *Ibid.*, 441. It should be noted that these extracts are not taken from a writer opposed to the Catholics, but from a Catholic writer who glorifies in, and commends such bellicose expressions.

excommunicated.<sup>1</sup> The trustees of the church were supported in their course by the law of the State of New York.

To adjudicate the question, a Papal legate, Bedini, was sent as the representative of the Pope. A Papal legate was something new and the position of this one was very peculiar. He came to adjudicate between the Bishop of Buffalo and the laws of the State of New York, and decided in favor of the Bishop. He was very kindly received by the President, and a Government vessel was placed at his disposal to make a tour of the Great Lakes.<sup>2</sup> The populace, however, did not receive him so kindly, and in many cities organized mobs adopted the petty expedient of burning him in effigy. The fact that many of the Catholics and the priests were immigrants and aliens also did not fail to be taken into account.<sup>3</sup>

The question of the temporal power of the Pope also came up for discussion. In spite of the declaration of the Archbishop of Baltimore, that the allegiance of the Catholics was only spiritual,<sup>4</sup> the Know Nothings held that the Catholics owed a temporal allegiance to the Pope which was higher than the Constitution.<sup>5</sup> To prove this point misrepresentation was not neglected. *Brownson's Review*, a leading Catholic magazine, was reported to have said that "if the Pope directed the Roman Catholics of this country to overthrow the Constitution, to sell the nationality of the country and annex it as a dependent province to Napoleon the Little's crown, they would be bound to obey."<sup>6</sup> This quotation Brownson denied and disavowed *in toto*, declaring that his allegiance was only spiritual.<sup>7</sup> While Brownson (who was a recent convert to Catholicism) had not gone to this degree, he had held some very

<sup>1</sup> *Cong. Globe*, 1st Session, 34th Congress. Appendix, 968. <sup>2</sup> *Ibid.*

<sup>3</sup> H. W. Davis: "Origin, Principles and Purposes of the American Party," 31. <sup>4</sup> *Supra*, p. 23. <sup>5</sup> "Sons of the Sires," 201.

<sup>6</sup> "Reasons for Abandoning the Old Whig and Democratic Parties," 7.

<sup>7</sup> *Brownson's Review*, III series, III, 123 ff.



extreme doctrines which almost amounted to the same thing. "The temporal order," he said, "is subject to the spiritual, and consequently every question that does or can arise in the temporal order is evidently a spiritual question and within the jurisdiction of the Church, as the spiritual authority, and therefore of the Pope," and carrying this out to its logical conclusion, he says the Pope "has the right to pronounce sentence of deposition against any sovereign when required by the good of the spiritual order."<sup>1</sup>

In justice it should be said that this view was controverted by Catholic writers, and the *Metropolitan*, a Catholic magazine, published at Baltimore, in a review of Brownson's article, said: "We are unwilling to make any comments on this doctrine. We think it enough to state it, and feel confident that every Catholic in the country will unite with us in protesting against it. \* \* \* Though the foregoing is not the only point on which we think he has adopted extreme and untenable views, we appreciate and approve his writings in other respects, warmly and sincerely, as far as a general approbation may be fairly construed; but on this point particularly, we beg leave to record our most solemn protest against his doctrines."<sup>2</sup> Two other Catholic journals, the *Shepherd of the Valley* and the *Freeman's Journal*, were exceedingly prominent by their ultramontane position on the question of the Pope's supremacy.<sup>3</sup> The former of these papers was discontinued

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<sup>1</sup> *Brownson's Review*, III series, I, 48.

<sup>2</sup> *Metropolitan*, II, 1854, 360, 361, also 117.

<sup>3</sup> I have been unable to obtain a file of these papers. The Know Nothing papers and pamphlets contain a great many quotations from them. These I have been unable to verify. Von Holst quotes from these papers, although he takes his quotations from the polemical books of the Know Nothing writers. I presume he has verified the extracts, although he gives the above extract from Brownson, which is false. Of the many quotations of the alleged Brownson passage I have seen only one which had a reference to the source. This referred it to April, 1853, and I have been unable to find it in

in June, 1854, owing to the lack of financial support.<sup>1</sup> This would hardly indicate that a large number of the Catholic population shared in the views expressed by the paper.

Events on the Continent of Europe did not fail of attention. The Catholic cantons of Switzerland had revolted only a few years before,<sup>2</sup> and with some degree of truth the Catholic Church was proclaimed as the friend of monarchy and despotism and the enemy of republican institutions.<sup>3</sup> The activity of the Jesuits and their banishment from even the Catholic countries of Europe was also appealed to as an evidence of the intriguing tendencies of the Catholic Church.<sup>4</sup> These views were also intensified by an apostate priest, Gavazzi,<sup>5</sup> who made a tour of the principal cities preaching a crusade against the Catholic Church. He appeared in Baltimore in April, 1853, and his failure to obtain the Maryland Institute Hall for his two lectures enabled him to pose as a martyr to Roman intolerance.<sup>6</sup> A traveling preacher, calling himself the Angel Gabriel, also made the rounds of American cities, and helped to stir up sentiment against the Catholics.

The opposition to the Catholics, so far as it related to their efforts to obtain control of the school fund, and to inject sectarian issues into politics was justifiable, but this is about the most that can be said. It was a pity that this opposition had been carried on by the slanderous course of a secret organization, which was just as inconsistent with the spirit of the Constitution as was the enemy against which it pretended to protect it. But, however,

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this number of the *Review*. Even if the other extracts from these papers are incorrect, which is unlikely, they would be valuable as illustrating the manner in which the Catholic population was represented.

<sup>1</sup> *Clipper*, June 17, 1854. *Metropolitan*, 1854, II, 461.

<sup>2</sup> Wm. S. Balch: "Romanism and Republicanism Incompatible," 30.

<sup>3</sup> *Ibid.*, 23.

<sup>4</sup> *Ibid.*, 32.

<sup>5</sup> Cf. Slattery within recent years.

<sup>6</sup> *Clipper*, April 20, 22, 1853. This was the only paper which gave a report of the lectures.

men may differ as to the justification of the party, and the real danger to the country, it can be readily seen how these foregoing incidents would stir up opposition to the Catholics, and contribute to the success of a party which had opposition to the Catholics as one of its principles.

The slavery question also played no small part in the result in Maryland. Not even a party opposed to foreigners and immigrants could altogether ignore the burning question of the day, no matter how much they might attempt to straddle it. But this very straddle was what conduced to its success in Maryland.

In the campaign of 1856 this question was really uppermost, and had taken the place of the anti-foreign and anti-Catholic agitation of the year before. The Northern members of the Know Nothing party had seceded from the convention when it had refused to adopt an abolition plank, and when the party had determined, in the words of Prof. Wilson, to be "Do Nothings."<sup>1</sup> The entire slavery agitation was condemned and the party proposed to leave the matter in *statu quo*.<sup>2</sup> Even the *Maryland Republican*, which was opposed to the Know Nothing party, characterized its slavery plank as being "sound, Union-loving and constitutional."<sup>3</sup>

This position was eminently satisfactory to the people of Maryland who were midway between the abolition extremists in the North and the slavery Quixotes in the South. Her position has been admirably stated by Governor Hicks in his inaugural address in 1858: "A slave-holding State by inheritance, by her traditions, usages and laws, a border

<sup>1</sup> Division and Reunion, 187.

<sup>2</sup> "The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good-will, between the citizens of the several States, and to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State in the affairs of any other State." Platform, 1856, sec. 6.

<sup>3</sup> *Maryland Republican*, Annapolis, June 23, 1855.

State between those now forbidding slavery and those retaining it; allied to all the States with equal sympathies, and by her various interests nothing can be indifferent to her people which tends to disturb their Union. To that Union she is indissolubly bound by every tie, by every interest in the present, by every association and memory of the past. Her people heretofore have always refused to take part in the struggles for sectional power. Her voice has always been raised for peace and compromise, from the day of the first great settlement of this disturbance down to its unpardonable renewal, and the violation of the sacred compact<sup>1</sup> by which it was settled and silenced.”<sup>2</sup>

And at this point it is well to make a digression and show the position of the party in Maryland upon the slavery question. In Massachusetts the party had gone bag and baggage into the Free Soil camp.<sup>3</sup> Yet the opponents of slavery distrusted them, and Henry Ward Beecher denounced them in his usual forcible style. Writing in the *Independent*, he said: “One might as well study optics in the pyramids of Egypt or the subterranean tombs of Rome, as liberty in secret conclaves controlled by hoary knaves versed in political intrigue, who can hardly enough express their surprise and delight to see honest men going into a widespread system of secret conclaves. Honest men in such places have a peculiar advantage that flies have in a spider’s web \* \* \* the privilege of losing their legs, of buzzing without flying, and of being eaten up at leisure by big-bellied spiders.”<sup>4</sup>

Likewise in Maryland the opponents of the Know Nothings, led by the *Maryland Union* at Frederick, charged it with being allied with “Abolitionism” and “Black Republicanism.” It is to establish the fact that the Know Nothing party in Maryland was not opposed to slavery that

<sup>1</sup> Missouri Compromise.

<sup>2</sup> Inaugural Address, 1858, 7.

<sup>3</sup> Haynes: *American Historical Review*, October, 1897, 81.

<sup>4</sup> *Independent*, January 18, 1855.



this digression is made. Its position can be shown by the action of two Know Nothing Legislatures. At the session of the Legislature in 1856 the House of Delegates passed a resolution deprecating the election of a sectional<sup>1</sup> as Speaker of the House of Representatives which concluded as follows: "*Resolved*, That while we accord justice to all, we boldly assert and will steadfastly maintain the rights of the South to Southern institutions, and we will repel, at all hazards, any interference therewith.

"*Resolved*, That the views in regard to constitutional rights and national policy, expressed in the foregoing resolutions, are the same which have ever been and are now entertained and advocated by the citizens of Maryland, and which we believe will ever be proclaimed and advocated by their Representatives in the State and national Legislatures."<sup>2</sup> A substitute was offered by a Democratic member, stating: "That we most deeply deplore that one of the Representatives of a portion of the people of this State, should in such an emergency, as the late election of the Speaker of the House of Representatives of the United States, have failed in his high duty to his constituents, and given to our sister States of the South reasonable ground to apprehend that the people of the city of Baltimore are not with them in sentiment and opinion upon the great issue now before the country."<sup>3</sup> This was defeated by a party vote of eleven to forty-four, and the original resolution was passed without a dissenting vote.<sup>4</sup>

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<sup>1</sup> Banks.

<sup>2</sup> *House Journal*, 1856, 539.

<sup>3</sup> This referred to the fact that Henry Winter Davis with five other Know Nothings voted for Fuller for Speaker to the last, when they could have prevented the election of Banks by joining forces with the Democrats, who were supporting Aiken. The final vote for Speaker was Banks, 103; Aiken, 100; Fuller, 6; Campbell, 4; Wells, 1. The Speaker was elected by a plurality vote under a resolution adopted by the House on the previous day. See *Cong. Globe*, 1st Session, 34th Congress, 334, *et seq.*

<sup>4</sup> *House Journal*, 1856, 541.



Again at the session in 1858, a bill being under consideration to cede to the United States jurisdiction over certain lands, the following amendment was adopted: "That if at any time after the passage of this Act, the Congress of the United States, shall pass any law abolishing within the jurisdiction of the same, the relation of master and slave as it now exists in this State without the consent of this State, then from and after the passage of any such law by the Congress aforesaid, the jurisdiction required by the United States, within the limits of this State, over any part of the territories of the same, shall cease and be utterly void and of none effect, and such jurisdiction shall revert to the State."<sup>1</sup> The amendment was accepted by a vote of fifty-three to five,<sup>2</sup> and the bill as amended was passed without a dissenting vote.<sup>3</sup> Many of the Know Nothings were also slave holders, and many of them supported the Federal Government in 1861, not because they were opposed to slavery, but because they wanted to preserve the Union.<sup>4</sup>

Not only the slavery plank of the Know Nothings, but their presidential candidate as well appealed very strongly to the people of Maryland. The national campaign of 1856 was a three-cornered contest. At the one extreme stood Fremont, the Republican nominee, untried and inexperienced in politics, who was looked upon as a sectional candidate.<sup>5</sup> At the other extreme stood Buchanan, who had "been everything by turns, and nothing longer than suited his own convenience."<sup>6</sup> He was charged with having been opposed to slavery in 1819,<sup>7</sup> and also with having slandered Clay.<sup>8</sup> Then he had switched around as a

<sup>1</sup> *House Journal*, 1858, 762.

<sup>2</sup> *Ibid.*, 763.

<sup>3</sup> *Ibid.*

<sup>4</sup> The emancipation proclamation did not free the slaves in Maryland, as it applied only to the States in rebellion. Nevertheless it had the practical effect of freeing the slaves, and consequently ruining many people who were friendly to the Federal Government.

<sup>5</sup> *American*, June 24, 1856. <sup>6</sup> "Letter of a Conservative Whig," 4.

<sup>7</sup> "Buchanan's Political Record," 6.

<sup>8</sup> Letter from an old and constant Whig in *Baltimore American*, June 24, 1856.

defender of the repeal of the Missouri Compromise, and a filibuster with Soule at Ostend.<sup>1</sup> Midway between these two stood Fillmore, who represented the conservative influence of the old school, and who had been favorable to the Compromise of 1850. At the same time he was exceedingly popular throughout the State.<sup>2</sup> His having been a Whig secured him the support of the old Whigs, who did not care to have anything to do with Buchanan, and were not yet ready to take up with the new party, of which Fremont was the representative. And this leads to a consideration of the influence of the old Whig party.

One most potent cause of the success of the Know Nothing party was the opportune time at which it appeared. The movement in 1844 had failed because the old parties<sup>3</sup> were still intact and men were not looking around for new political connections. But by the middle of the fifties all this had been changed. The death of Clay and Webster, in 1852, and the crushing defeat of Scott in the presidential contest in that year, had utterly annihilated the Whig party. It was just at this time that the Know Nothing party appeared in the field. The Whigs who had followed in the footsteps of Henry Clay resented the destruction of the great compromise measure for which he had labored so long and earnestly. For this repeal, Douglas and the Democratic party were responsible, and therefore there could be no comity between them and the Whigs. The trend of public opinion in this respect was only reflected when all the Whig papers in Maryland, except the *Maryland Republican*, published at Annapolis, went into and supported the new movement.<sup>4</sup> Indeed, one of the most frequent arguments heard against the Know Nothing party was that it was only a "Whig trick."

This was further shown by the fact that the old Whig

<sup>1</sup> "Letters of a Conservative Whig," 4.

<sup>2</sup> *Cecil Democrat*, quoted by *American*, November 17, 1856.

<sup>3</sup> *Vide supra*, 13.

<sup>4</sup> *Easton Star*, June 12, 1855.

counties were carried by the Know Nothings.<sup>1</sup> But there was undoubtedly a great breaking up of party ties, and an interchange of votes. The Democratic organization, however, remained intact, and very few of the Democratic leaders went over to the other side, and what accessions the Know Nothings made was from the rank and file of the party. With the old Whigs it was just the reverse. Most of the rank and file went into the new organization, while many men who had been prominent in the party came over to the Democrats. The most prominent among these were S. Teackle Wallis, Reverdy Johnson, James Alfred Pearce and ex-Governor Pratt.

In Baltimore City old party lines were more broken than in the counties, and the Know Nothings received great accessions from the Democrats. The most marked change was in the Eighteenth Ward. This ward had been one of the Democratic strongholds, and it now became the banner ward of the Know Nothings. This ward, adjacent to the Baltimore and Ohio Railroad shops, was inhabited mainly by mechanics and workingmen, and gives a clue to the social status of a great number of the Know Nothing party. Other strong Democratic wards which came under the control of the new party were the first, seventh and seventeenth. In 1852 these four wards had given a Democratic vote of 3661, and a Whig vote of 1720. In 1855 the Democratic vote had fallen to 1896, while the Know Nothing vote was 2198. The only Democratic wards which did not show a decrease on the advent of the Know Nothing party were the second and the eighth. The reason for this was obvious, as the former was composed of Germans to a large extent, while the latter was the stronghold of the Irish. Later the enterprising methods of the Know Nothings succeeded in carrying the Second Ward, and in the palmy days of Know Nothing success the Eighth Ward ("Old Limerick") was the only ward which remained faithful to the banner of Democracy.

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<sup>1</sup> See election statistics in "*Tribune Almanac*."

This disappearance of the Whigs from politics was more a cause of weakness than a source of strength to their Democratic opponents. The eager endeavor to get a nomination for an office for which there was no opposition caused jealousies, which all the appeals to party loyalty could not allay. In Western Maryland, in 1853, there was no Whig candidate in the field, and William T. Hamilton was the nominee of the Democratic Convention.<sup>1</sup> There was considerable discord in the party and great corruption was charged in the nominating convention,<sup>2</sup> and the result was that ex-Governor Thomas ran as an Independent Democrat.<sup>3</sup> In Baltimore City there was the same lack of harmony. There were fierce factional fights between Joshua Vansant and William Pinckney Whyte, and between Henry May and William P. Preston over the nomination for Congress.<sup>4</sup> After an exciting contest, in which the ballot box of the Ninth Ward was broken up, Vansant and May obtained the nominations.<sup>5</sup> The county papers also noticed these dissensions and stated that the persistence of the factions in Baltimore would cause the downfall of the Democratic party.<sup>6</sup> Add to these troubles the fact that the party in the Legislature of 1853 was hopelessly divided into "hards" and "softs" over the repeal of the prohibition of small paper notes,<sup>7</sup> and we can readily see how easy it was for a compact and well-organized party like the Know Nothings to make great inroads upon the party vote.

In addition to these causes the age was one essentially of unrest, both in politics and social life. In the wild and exciting arena of political strife men did not know exactly where they were. The Nation might be said to be just

<sup>1</sup> *True Democrat* (Frederick), October 6, 1853.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Sun*, June 25, 1853.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Easton Star*, June 14, 1853. July 19, 1853.

<sup>7</sup> *Sun*, February 7, 1853. Cf. "The Democratic Party after the Campaign of 1896."

budding into manhood, and was full of the wild animal spirits of youth. The Nation seemed to be passing through the storm and stress period which is characteristic of early manhood. Swayed violently back and forth by the political unrest and sectional discord, many men caring little for the so-called "American principles" of the party went into it looking upon it as a kind of universal panacea for all the evils of mankind. Third parties are very apt to sweep everything momentarily on account of this trait. In the early days of the party the secret machinery also exercised a charm which drew many into it.

To sum up the causes of the success of the party were: (1) A largely increased immigration followed by the radical demands of some of the German immigrants and a jealousy of the immigrant in politics. (2) The interference of the Catholic Church in politics to obtain a portion of the school fund, and the radical and ultramontane position taken by certain Catholics. (3) The position of the party on the slavery question and the personal popularity of Millard Fillmore. (4) The disappearance of the old Whig party, and the disorganization within the Democratic party. (5) The general unrest of the period seeking a remedy in any new expedient.



#### IV. HEIGHT OF KNOW NOTHING SUCCESS, 1857-1858.

The early months of 1857 brought forth no new incidents in the progress of the party in Maryland. The spring elections in the small towns for local office showed no great changes;<sup>1</sup> in some cases the Know Nothing party showed a gain, and in others a loss, but there was no substantial change in the position of the two parties. Not until June was any activity noticeable, when there occurred almost simultaneously two events which again stirred up interest in the party.

The first of these was the municipal election in Washington in June. Great interest was manifested in the election in Baltimore and there was much excitement. The election was conducted in much the same manner as that of the year before in Baltimore. There was considerable disorder and rioting, and the marines from the Navy Yard were finally ordered out to suppress the disorder.<sup>2</sup> The result was a collision with the mob, attended with some loss of life. On the morning of the election a large number of men had come over from Baltimore, and these, it was charged, began the trouble. The Democratic papers claimed that the riot was begun by the Plug Uglies from Baltimore,<sup>3</sup> while the Know Nothings charged that all the trouble was caused by the members of the Empire Club of Baltimore, who had gone over to help the "loco-focos."<sup>4</sup> The true facts in the case, as noticed by impartial observers

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<sup>1</sup> Frederick, February 26; Annapolis, April 6; Hagerstown, April 15; Westminster, May 4; Cumberland, May 12.

<sup>2</sup> *Sun, American*, June 2, *et seq.*

<sup>3</sup> *Maryland Union* (Frederick), June 4, 1857; *Sun*, June 2.

<sup>4</sup> *Clipper*, June 2 and 4.

at the time, were that members of both parties went over, and as neither side had any special scruples against "roughing" the election, it can easily be seen how disorder resulted.

While these turbulent scenes were being enacted in the Nation's capital the last National Council of the party was being held in the city of Louisville. The presidential campaign of the preceding year had wrecked the party, Maryland being the only State carried by Fillmore. Indeed, for some time before, the disintegration of the party as a national organization was evident. Massachusetts and the other Northern States had repudiated the slavery platform,<sup>1</sup> and the party had fallen almost entirely into the hands of free soilers and abolitionists, while in Louisiana and California, almost from the start, the party had discarded the plank in opposition to the Catholics.<sup>2</sup> With the overwhelming defeat in the national canvass in 1856 it was clear that the coherence of the party was gone and the National Council passed a resolution "that the American party in each State and Territory and the District of Columbia be authorized to adopt such a plan of organization as respectively may be best suited to the views of the members of the party in their several localities."<sup>3</sup>

In the meantime the party in Maryland had been actively engaged in preparing for the fall election. The spoil was indeed an inviting one. Governor, Lottery Commissioner, Comptroller, Land Commissioner, members of the House of Delegates, and successors to those Senators who had held over during the last session. By law, the Governor in this year was to be elected from the Eastern Shore,<sup>4</sup> and the competition between the various candidates

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<sup>1</sup> Haynes in *American Historical Review*, October, 1897, and in *New England Magazine*, September, 1896.

<sup>2</sup> *American*, May 5, 1855.

<sup>3</sup> *Sun*, June 5, 1857.

<sup>4</sup> The Constitution divided the State into three Gubernatorial Districts, as follows: I. St. Mary's, Charles, Calvert, Prince George's, Anne Arundel, Montgomery and Howard Counties and the City of

was quite intense. In Baltimore especially the rivalry was very keen between the friends of Ricaud, Hicks and Purnell,<sup>1</sup> the three candidates for the Gubernatorial nomination, and we find the *Clipper*, the chief paper of the party, making an appeal for harmony.<sup>2</sup> The State Convention met on July 23, and nominated Hicks for Governor and Purnell for Comptroller.<sup>3</sup> Ricaud was afterwards given the nomination for Congress from the first district.<sup>4</sup> The other nominees were D. H. McPhail for Lottery Commissioner and L. W. Seabrook for Land Commissioner.<sup>5</sup>

The Democratic Convention met a week later. Not only were the Democrats divided into factions through the rivalry of the different candidates, but the party was also thrown into discord by the contests between the rotators and anti-rotators,<sup>6</sup> these terms being used to represent rotation in office. Baltimore City was not represented at all in the State Convention on account of disturbances which had taken place at the City Convention.<sup>7</sup> This State Convention was marked by unanimity and lack of enthusiasm; no formal nominations were made, but candidates for the various State offices were recommended to voters of the party.<sup>8</sup> The Democratic City Convention determined to make nominations for Congress and ward nominations, but no others.<sup>9</sup> A number of the members of the American party, dissatisfied with the course of that party, united with some of the Democrats and nominated candidates for local offices and for the Legislature.<sup>10</sup> The Know Noth-

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Baltimore. II. The eight counties of the Eastern Shore. III. Baltimore, Harford, Frederick, Washington, Allegany and Carroll Counties. The Governor was to be taken from each of these districts in rotation, beginning with the first in 1853. Constitution, 1850, Art. II., sec. 5.

<sup>1</sup> *Maryland Union* (Frederick), June 18.

<sup>2</sup> *Clipper*, June 22.

<sup>3</sup> *Sun, American*, July 24.

<sup>4</sup> *American*, August 6.

<sup>5</sup> *Ibid*,

<sup>6</sup> *Sun*, May 25.

<sup>7</sup> Testimony of Joshua Vansant, "Maryland Contested Election," 99.

<sup>8</sup> *Sun, American*, July 31.

<sup>9</sup> *Sun, American*, September 4, 1857.

<sup>10</sup> *Sun*, September 17 and 21, *American*, October 10. "Maryland Contested Election," 115.

ings nominated candidates for every office to be voted for at the election.<sup>1</sup>

The State election was preceded by the municipal election for members of the First Branch City Council on October 14. On a small degree the election was a repetition of that of the year before. In the wards controlled by the Know Nothing party it was difficult for naturalized citizens to vote, while in the Eighth Ward the native voters had the same difficulty unless they were known to be Democrats.<sup>2</sup> The police seem to have made some effort to put a stop to the rioting at least, as one of their number was killed while attempting to suppress a riot started by the Democrats in the Eighth Ward, and several were wounded in protecting the Democratic headquarters on Federal Hill from an attack made upon it by the Know Nothings.<sup>3</sup> The combatants had evidently laid in munitions of war in anticipation of a disorderly election, as the police captures included a swivel, together with powder, slugs and cartridges, and also thirty carbines and three rifles from one of the engine houses.<sup>4</sup> The result of the election was a complete victory for the Know Nothings. Compared with the presidential election in the preceding year the Know Nothing vote decreased about five thousand and the Democratic vote about seven thousand.<sup>5</sup>

Such an amount of disorder having occurred at the municipal election, there was apprehension that the more important election for State officials and members of Congress would result in even greater rioting and more bloodshed than had yet been seen. Moved by these considerations,<sup>6</sup> and actuated no doubt by animosity to the Know Nothing party, Governor Ligon determined to use the executive arm of the State to insure the peace of the com-

<sup>1</sup> *Sun, American*, August 6, 7 and 21; September 11 and 15.

<sup>2</sup> *American*, October 15.

<sup>3</sup> *Sun, American*, October 15.

<sup>4</sup> *Ibid.*

<sup>5</sup> *American*, October 15.

<sup>6</sup> Governor's Message, 1858, 23.

ing election in Baltimore.<sup>1</sup> Accordingly the Governor proceeded to Baltimore, and on October 27 he addressed the following letter to the Mayor, inquiring as to the preparations made to prevent a recurrence of the disorder:

BARNUM'S HOTEL,

*Baltimore, October 27, 1857.*

HON. THOMAS SWANN,

Mayor of Baltimore.

SIR:—Representations from a large number of respectable citizens, of the conditions of things in this city, added to my own convictions of my constitutional duty, impose upon me the obligation respectfully to consult you, as Mayor of the city, as to what provision should be made by you to guarantee personal security, and the free exercise of suffrage by the legal voters at the approaching election. The events of October, 1856, both at the municipal and Presidential elections, and the violence of the recent municipal election, which practically disfranchised many thousands of the qualified native and naturalized voters of this city, conclusively established the inadequacy of the existing city police to secure the elective rights and the personal safety of the voters. The citizen has a right to good government. He surrenders his individual power of defense and pays his property dues in consideration of the pledge made that he shall enjoy it; and I am resolute in the determination to exert any constitutional power to fulfill the guarantee.

Subordinately you are like myself sworn in your sphere to put forth your powers in this behalf, and I have come to this city to confer with you, and ascertain what provision of an extraordinary character you propose to make to meet apprehended disorders of a character like those which have heretofore successfully defied the ordinary police force of the city. I shall be most happy if you can assure me of any detailed preparation on your part which will allay my solicitude, and certify me that the citizens may not have the occasion to reproach us as derelict in duty.

It will never do for a great commercial metropolis like this to be dishonored by this unchecked violence of mobs, and it is necessary that the civil power should at once bring under subjection those evil-minded citizens whose acts are tarnishing the honor of the city and State, and destroying the prosperity of our commercial, mechanical and manufacturing interests. Not doubting

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<sup>1</sup> Governor's Message, 1858, 23.



that you concur with me in these sentiments, and will appreciate the sense of official duty from which I invite your co-operation, I have addressed you this letter and ask, most respectfully, an immediate reply.

Very respectfully, your obedient servant,

T. WATKINS LIGON.<sup>1</sup>

The Mayor, however, did not agree with the Governor as to the relative sphere of their duties, and he flatly denied the right of the Governor to interfere. Accordingly he at once sent him the following letter in reply:

MAYOR'S OFFICE, CITY HALL,  
*Baltimore*, October 28, 1857.

TO HIS EXCELLENCY, T. WATKINS LIGON,  
Governor of Maryland.

SIR:—I have had the honor to receive your letter of the 27th inst., in which you say that "representations from a large number of most respectable citizens, of the condition of things in this city added to my own convictions of my constitutional duty impose upon me the obligation respectfully to consult you, as Mayor of the city of Baltimore, as to what provision should be made by you to guarantee personal security, and the free exercise of suffrage by the legal voters at the approaching election."

Your letter goes on to indicate duties which are incumbent upon us both. The constitutional sphere assigned to you as Governor of the State of Maryland, and to me as Mayor of the city of Baltimore, is believed to be sufficiently defined. While I should claim, by virtue of my commission, the privilege of the initiative in any demand which I might consider necessary to be made upon your Excellency for your aid and co-operation in preserving the peace of the city and the rights of its citizens, I do not object at any time to impart to you, or any other citizen, the fullest information in regard to matters connected with the government of the city, in which the public might feel an interest. It could not fail to excite my surprise that in a letter inviting a consultation with me, your Excellency, after pronouncing summary judgment upon the inefficiency of the city government, should have thought proper to refer to the events of the municipal and Presidential elections of 1856,

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<sup>1</sup> Governor's Message, 33.

with which, as Mayor of the city, I had no official connection; and to impress upon me that you were "resolute in the determination to use your constitutional power to fulfill the guarantee that the citizen is entitled to good government."

In your reference to the representations you have received from a large number of most respectable citizens, your Excellency would seem to have lost sight of the facts, that by the authority under which he is acting, the Mayor of the city is made the judge of and is responsible for the completeness and efficiency of his arrangements for preserving the public peace; and that the only official source of information, in reference to the plans heretofore adopted, was in him alone, and the officers acting under him.

As to what your Excellency has said about the importance of maintaining law and order in a great commercial metropolis like this, I need hardly assure you that no man has labored more faithfully or assiduously than I have done towards the accomplishment of this end. The events which have transpired since I took charge of the municipal government, and the murdered and wounded policemen, who have fallen in the late effort to preserve the peace of the city and to secure to the citizens the free exercise of his right of suffrage, will sufficiently attest the activity of my labors.

My preparations at the last municipal election were, as is known, of the most ample character, sufficiently so in my judgment, to have met any emergency. That individual instances of complaint were to be found, is not to be wondered at. These are incident to all excited elections that have heretofore taken place in our city.

My instructions to the police were of the most absolute and impartial character, and in every instance of decided outbreak, the efficiency of this force was felt and acknowledged.

At the election in November, in furtherance of the object which I have never lost sight of, in addition to the complement of officers assigned to the stations and the various election precincts, acting immediately in concert with the judges, together with the details by which they will be regulated, there will be, what may be deemed in my judgment, a competent force to ensure to those who may be entitled to vote, the free and untrammelled exercise of their right of suffrage; and I will state it as my belief that unless some unforeseen occurrence should take place, or an ungovernable feeling should be excited by those who are now engaged in the effort to break down the city government, that the election will proceed quietly and without interruption.

As the Mayor of the city of Baltimore I hold my commission directly from the people, and am accountable to them for the manner in which I discharge my trust, the office which I have been

called upon to assume was conferred upon me without solicitation, and will be laid down whenever it will be made to appear that I have lost the confidence of those whom it has been my highest endeavor to serve. I can recognize "subordination" to no other power within the sphere of my duty. I deemed it due to courtesy to afford your Excellency the amplest information in regard to the matters to which you refer in your letter, and now invite from you any reliable evidence upon which I can legally act, of a combination on the part of any of our citizens to obstruct the laws at the coming election. But while I am thus frank in foreshadowing my plans for the preservation of the public peace, and the protection of the voter by every means at my disposal, I must be equally so in declining to recognize any joint administration of the affairs of this city. The powers of the Mayor are believed to be ample. He has his resort, in case of emergency to the civil posse, as well as to the military arm, which like the former is placed by the law under his control. It will be his duty to use his best endeavors to see that every citizen is protected in his constitutional rights, and that the peace of the city is preserved by every means at his disposal. If, however, it should be attempted to introduce a power in the city of Baltimore above that of its regularly constituted authorities, or if the power should be assumed in anticipation of a state of things which may not occur, to bring the military in contact with the people on the day of election, without an official requisition on the part of the local authorities, I can only express the sincere belief that such a policy might seriously endanger the peace of the city, and lead to consequences which it should be the duty of all good citizens to endeavor if possible to avert.<sup>1</sup>

With great respect, I have the honor to be, your obedient servant,  
 THOMAS SWANN, Mayor.

Being thus rebuffed by the Mayor and co-operation with that official being out of the question, the Governor proceeded to take measures of his own for the desired end. With this object he ordered Major-General George H. Stuart, of the First Light Division, to hold his command ready for service, and Major-General John Spear Smith was ordered to enroll six regiments of not less than six hundred men each, and to hold them in readiness for service by noon of the Saturday preceding the election.<sup>2</sup> To

<sup>1</sup> Governor's Message, 1858, 34.

<sup>2</sup> *Ibid.*, 23, 28.

arm and equip this force the Governor of Virginia was applied to for a loan of two thousand muskets, which that official at once had forwarded to Baltimore.<sup>1</sup> At the same time the Governor issued the following proclamation :

#### PROCLAMATION.

BY THE GOVERNOR OF MARYLAND:

I, T. Watkins Ligon, Governor of the State of Maryland, hereby make this proclamation to the citizens of Baltimore:

Having been creditably informed by a large and respectable number of citizens of Baltimore, that serious apprehensions are entertained that the approaching general election is threatened with extreme violence and disorder in this city, sufficient to terrify and keep away from the polls many peaceable voters, unless the civil arm is vigorously interposed for their protection, and being fully convinced of the justice of this apprehension from events of the election of 1856, and of the recent municipal elections in the city, I have felt it my duty to repair to this city to fulfill my constitutional obligations to afford to the citizens the faithful observance of the laws. Accordingly I have addressed the Mayor of the city and solicited his co-operation in adequate measures for the protection of the peace of the city. So far I have received from him no satisfactory response, and being resolved to be involved in no failure of duty by postponing measures which can only be efficiently carried out under the circumstances by the greatest promptitude, I hereby proclaim to the citizens of Baltimore, that in virtue of my powers and duties under the Constitution and laws of the State, I have directed the proper military officers to enroll and hold in readiness their respective corps for active service at once, and especially on the approaching day of election; and I have issued to them full instructions to preserve the peace of the city, and to secure to the legal voters their rights against the violence and intimidation of the lawless ruffians who have disgraced the city, and outraged the elective rights in the recent election.

In thus acting I have sought merely to discharge my duty and insure to the citizen the right pledged to him by the Constitution and the laws, and I earnestly invoke the moral support and aid of all good citizens who value their government and its privileges.

Especially do I forewarn all persons against all illegal conduct

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<sup>1</sup> Governor's Message, 1858, 30.



in the obstruction of voters and admonish them of the serious responsibility which awaits the infraction of the law.

It is to be seen if republicanism is adequate for its own protection. The Governor confidently relies on the loyalty of the citizens of this great metropolis, and in the hearty readiness with which they will co-operate in the vindication of the city and State from an ignominious submission to lawless ruffians. If they do, all parties will rejoice in the triumph of government, and every good man that the pledges of the Constitution are not an empty mockery. At all events, the Governor will do his duty, if constitutional authority and law are not upheld and vindicated, the responsibility must rest elsewhere.

But there is no reason to fear any adverse result. The Governor will not question the fidelity of the military arm, or doubt its ability for any emergency that may arise. The military officers with whom I have consulted express their willingness to serve the State, and I have no doubt of their sufficiency for the occasion; and good citizens may confidently trust that their title to a constitutional government will be fully redeemed.

Let all citizens, therefore, exercise their rights, abstain from disorder and violence, and trust in the genius of the Constitution and the laws.

Let no man leave the precincts of his own ward, unless ordered to do so by competent authority. Thus he will promote the fairness of the election and avoid the just retribution that will be dealt to those vagrant emissaries of disorder who wander from polls to polls for the purpose of illegal voting, and to deter peaceable citizens from the exercise of their rights; but it is the sincere hope of the Governor, that the majesty of the law, supported by the countenance of good citizens, will make the ensuing election a signal triumph to those who believe in the capacity of the people for self-government.

Given under my hand, at the city of Baltimore, this twenty-eighth day of October, in the year of our Lord, one thousand eight hundred and fifty-seven.

T. WATKINS LIGON.

By the governor.

J. PINKNEY, Secretary of State.

It looked as if the dilemma presented itself of the hindrance of the right of suffrage by armed ruffians or its exercise under the protection of the bayonet, either of which showed a deplorable state of affairs among a free people.



The authority of the Governor having been called in question, both the Mayor and the Governor at once obtained legal opinions as to the validity of their conduct. Hardly any one paper in Maryland history contains such an array of legal talent as the opinion upholding the action of the Governor. At the head stood Reverdy Johnson, who had been United States Senator in 1845 and Attorney-General of the United States in 1849, and who was again United States Senator in 1863 and minister to England in 1868. Then came the name of John Nelson, who had been Attorney-General of the United States under President Tyler, and minister to Naples under Jackson. Following these was R. N. Martin. Then followed John V. L. McMahon, the Maryland historian, and also the author of the charter of the Baltimore and Ohio Railroad Company. Then came the names of Charles F. Mayer and I. Nevett Steele, both of whom were typical of the old Maryland bar. George William Brown, the next signer, was Mayor of Baltimore in 1860, and was afterwards Chief Judge of the Supreme Bench in Baltimore. Three more eminent lawyers, F. W. Brune, Jr., J. Mason Campbell and S. Teackle Wallis completed the list. The Mayor did not have quite so formidable an array of legal talent, his action being upheld in an opinion by J. Meredith, William Price and Thomas S. Alexander.

Having completed these arrangements, the Governor again endeavored to secure the co-operation of the Mayor, and for this purpose he wrote to him as follows:

BARNUM'S HOTEL,  
Baltimore, October 28, 1857.

HON. THOMAS SWANN,  
Mayor of Baltimore.

SIR:—I have just received your reply to my letter of yesterday, and beg to say that your views of our respective powers and duties do not accord with my own.

Clothed with the authority to see that the laws are executed throughout the entire State, I cannot comprehend how the city of

Baltimore or its Mayor recognizes no subordination to the State Executive. His power is created by the Constitution; that organic instrument also defines his duties. Has the Mayor of Baltimore any co-ordinate position in that charter, or are not his authority and that of his city the mere endowments of ordinary legislation?

I am mortified and pained to notice that spirit in a municipal agent of the Government, which, if generally adopted, would subvert the whole theory of our institutions and end in jealous rivalries among the chain of officials. Under your view it would seem that any officer of a municipality elected by the people became by that circumstance subordinate to no one, and only accountable to them for the manner in which "he" discharged "his trust."

I will not indulge in any protracted repetition of an error which must rather be the growth of official sensibility than of mistaken conceptions of constitutional position. The natural sequel of such an error is the further implication that my powers and duties are to be initiated into activity by the discretion of municipal subordinates. Do you thus await the application of your subordinates? If not, why not? Simply because you are sworn to see the laws executed, and whilst in general you confide in the fulfilment of their duties, you still hold in reserve those powers of supervision, which are made necessary by the fact that these subordinates may not recognize their own defaults, and their serious bearings on the general welfare.

Is not the city filled with clubs of lawless and violent partisans, whose very appellatives brandish defiance at order, and make the peaceable prefer to surrender rights rather than claim them at the risk of life. Sir, is there no law or no authority somewhere to curb the one class and shield the other? If the ordinary civil power of the city is insufficient, what is the inevitable deduction? Is it not better that you should admit its inadequacy, and be cordially grateful that the Constitution has supplied other powers, and permitted for your aid that Executive to interfere who has not been at all complicated in past animosities?

You mention in your communication that one of your policemen was "murdered" at the recent election. What guarantee is there that a similar occurrence may not happen again at the approaching election, unless more adequate arrangements are prepared for the suppression of lawlessness? I have not come here to empower assaults upon your police, but to protect them, and invigorate every arm that will be sincerely extended in behalf of individual security and constitutional liberty. And I feel that it is a circumstance of just mortification that a State Executive who has repaired to a city in which the press has not hesitated to declare

that the recent election was a "mockery" from the intimidation to voters, should be asked by its municipal head to furnish him with "any reliable evidence upon which I can legally act, of a combination on the part of any of our citizens to obstruct the laws at the coming election."

Is there no such thing as a fact? Does the spirit of party blind municipal officers to that condition of things which all fair-minded citizens recognize? Are there not daily and nightly murders?

It is to be deeply regretted that we should be at all separated in the performance of our duties for ensuring to the citizen his legal rights which violence has thus overawed, and that you decline to "recognize any joint administration of the affairs of this city," when I tender you the Executive co-operation. This fearful responsibility you have taken. I believe that a just-minded community will severely censure this false independency as not consistent with our relative official positions or consonant with that spirit of union which should unite all good men against the bad and lawless. But however this may be, I announce to you respectfully, that I shall nevertheless see that the laws are "faithfully executed" by every constitutional power.

I feel assured that this community and the State will see in this conduct a spirit of no intrusive interference, but rather that imperative duty which they have a right to expect.

Entertaining none but the most friendly feelings to yourself, personally, and desiring that successful administration by you of your civic duties which will redound to the credit of the city and State, I again renew my solicitation for your cheerful co-operation with the Executive, and hope that on a revision of your opinion, you will not see any derogatory subordination which will prevent you, as the municipal head of the city, from uniting in a harmonious effort to assert the supremacy of the laws.<sup>1</sup>

Very respectfully, your obedient servant,

T. WATKINS LIGON.

The Mayor, however, felt no disposition to co-operate, and the following curt note sent in reply showed that the Mayor had no intention of prolonging the controversy:

MAYOR'S OFFICE, CITY HALL,

*Baltimore*, October 29, 1857.

TO HIS EXCELLENCY, T. WATKINS LIGON,

Governor of Maryland.

SIR:—I have had the honor to receive your letter of yesterday's date, by the hands of your secretary.

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<sup>1</sup> Governor's Message, 1858, 41.

I feel no disposition to discuss the relative powers of your office and mine, or the other points referred to in your letter.

Your Excellency has thought proper to visit the city, and upon representation which you have deemed sufficient, to place its inhabitants under military supervision. The responsibility is with your Excellency.

In the exercise of my functions I shall be governed by the authority of the law, and, I trust, by the support of the entire community.

With great respect, I have the honor to be,

Your obedient servant,

(Signed)

THOMAS SWANN, Mayor.<sup>1</sup>

In the meantime the military arrangements of the Governor had not prospered, and, to use his own words, "that class of citizens from whom military service was mainly to be expected exhibited first, indecision, and at last, unwillingness to respond to the call which had been made upon the community."<sup>2</sup> During all this time the city was in a high state of excitement over the prospective use of military force. The situation, indeed, seemed very critical by reason of the conflict between the city and the State authorities. To overcome this danger a committee of citizens waited upon the Mayor to persuade him to make arrangements to satisfy the demand of the Governor. As a result the Mayor agreed to appoint two hundred special policemen from the members of both parties, although he would not agree to appoint half the number from among the Democrats.<sup>3</sup> At the same time he issued the following proclamation:

#### PROCLAMATION.

BY THE MAYOR OF BALTIMORE:

With a view to preserve order at the polls, at the election to be held in this city on the fourth of November next, I deem it my duty to issue this proclamation to the citizens of Baltimore, in order that the position of the city government may not be misunderstood.

The following order will be strictly observed:

<sup>1</sup> Governor's Message, 1858, 24, 43.

<sup>2</sup> *Ibid.*, 24.

<sup>3</sup> *American*, November 2.

The police detailed for the various precincts will carry out all orders directed to them by the judge or judges of election, and see that the polls are kept open and unobstructed.

They will arrest and promptly convey to the nearest station all intoxicated or disorderly persons, who may be found at or near the polls.

They will seize and convey to the nearest station all firearms which may be exhibited at the polls or used to intimidate persons from voting.

They will arrest all carriages passing through the streets with rioters or disorderly persons, and order them to be driven to the station.

On the occurrence of any serious disorder, or an attempt to obstruct the polls by any party or parties whatsoever, the judges of election or either of them are respectfully requested to dispatch a messenger immediately to the Mayor's office in order that the same may be promptly arrested.

The citizens generally are respectfully requested to report at once any case of delinquency on the part of the police.

Omnibuses will be in readiness at the Central Station to convey an adequate force to any part of the city where a disturbance may take place, or an attempt is made to interfere in any manner with the free right of suffrage.

The police are instructed to see that all drinking houses are closed on the day of election, and to report all who refuse to obey this order.

There will be ten special policemen, in addition to the regular force, who will be commissioned by the Mayor to lend their aid in preserving order at the polls.

As Chief Magistrate of the city of Baltimore, I call upon all good and order-loving citizens to co-operate with me in carrying out the details of this proclamation.<sup>1</sup>

THOMAS SWANN, Mayor.

These arrangements having been communicated to the Governor, and the citizens committee, some of whom had signed the opinion affirming the legality of the Governor's action, having informed the Governor that they thought the arrangements of the local authorities sufficient,<sup>2</sup> the Governor gave way, and in a new proclamation renounced all intention of using military force:

<sup>1</sup> Governor's Message, 1858, 44.

<sup>2</sup> *Ibid.*, 45.



## PROCLAMATION.

BY THE GOVERNOR OF MARYLAND:

I, T. Watkins Ligon, Governor of the State of Maryland, hereby make this proclamation to the citizens of Baltimore:

Being satisfied that the extraordinary and additional arrangements made by the Mayor of the city of Baltimore, and with which he has more fully acquainted me, will afford to all citizens personal protection, and a fairness and impartiality calculated to remove all distrust as to the freedom of the elective franchise on Wednesday next, and the object of my official intervention having thus, in my own judgment, and in that of a large number of respectable citizens whom I have consulted, been secured.

I do hereby proclaim and give notice that I do not contemplate the use, upon that day, of the military force which I have heretofore ordered to be enrolled and organized.

And I do hereby call upon and solemnly enjoin all good citizens to unite with and support the constituted authorities of the city in maintenance of order and the law.

Given under my hand, at the city of Baltimore, this first day of November, in the year of our Lord one thousand eight hundred and fifty-seven.<sup>1</sup>

T. WATKINS LIGON.

By the Governor,

J. PINKNEY, Secretary of State.

The undersigned, having been called by his Excellency, the Governor of Maryland, into consultation with him, touching the measures that ought to be adopted for supporting the laws of the city of Baltimore, at the approaching election, and we having been made fully acquainted with all the facts and circumstances which have attended the subject, have fully concurred in all the views and measures which he has felt it to be his duty to take, from first to last.

W. H. D. C. WRIGHT,  
ROB'T CLINTON WRIGHT.

*Baltimore, November 1, 1857.*

With the two following brief notes ended an incident which at one time threatened to lead to a serious conflict

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<sup>1</sup> Governor's Message, 1858, 46.

between the Governor of the State and the Mayor of Baltimore:

*Baltimore, November 1, 1857.*

TO THE HON. THOMAS SWANN,  
Mayor of Baltimore.

SIR:—It is a matter of extreme gratification to me that you have communicated to me the extraordinary and additional arrangements by which you propose to preserve order at the coming election. Seeing in these the composition of a special police, which affords to all citizens the promise of personal protection, and also of a fairness and impartiality calculated to remove all distrust as to the freedom of the elective franchise on that day, it gives me great pleasure to say that I now contemplate no use of the military force which I have ordered to be enrolled and organized.

I have the honor to be, sir, your obedient servant,  
T. WATKINS LIGON.<sup>1</sup>

MAYOR'S OFFICE, CITY HALL,  
*Baltimore, November 1, 1857.*

TO HIS EXCELLENCY, T. WATKINS LIGON,  
Governor of Maryland.

SIR:—I have the honor to receive your letter of this date. It affords me pleasure to know that your Excellency is satisfied with my arrangements for preserving order at the coming election. The assurance which you have given me that you do not now contemplate the use of the military force, which you have ordered to be enrolled and organized, enables me to anticipate a quiet and peaceable election, which, I am sure, will be as agreeable to your Excellency as myself.

I have the honor to be, with great respect, etc.,  
THOMAS SWANN, Mayor.<sup>2</sup>

The withdrawal of the Governor quieted the excitement to some extent, and the election was marked by neither riot nor bloodshed.<sup>3</sup> But while these factors were absent, fraud and intimidation were carried on in a manner only equalled by the later elections of this same party. The police made no attempt to protect voters, and when men were assaulted the police either arrested them or took

<sup>1</sup> Governor's Message, 45.

<sup>2</sup> *Ibid.*, 46.

<sup>3</sup> *Sun, American*, November 5, 1857.

them aside and endeavored to persuade them to leave the polls.<sup>1</sup> The assailants in almost every case were not even molested, and one officer who did try to protect the voters in their exercise of the suffrage found himself recalled to the station house as a result of his pains.<sup>2</sup> The special police appointed by the Mayor found themselves powerless when unsupported by the regular officers, and even in some cases they were told to leave the polls, as they had no business there.<sup>3</sup> The result was that before the day was over many of them tendered their resignations to the Mayor.<sup>4</sup>

At this election the Know Nothings again made use of the device they had learned from the Democrats in the municipal election in 1854. The Know Nothing ticket had a red or pink stripe down the back and the voter that did not have this ticket had a hard time in getting to the window.<sup>5</sup> The roughs at the polls had a regular system of signals to indicate the reception to be accorded to the voter. As the voter approached the polls he was solicited by the party workers, and if he voted the Know Nothing ticket they would cry out: "Clear the way, let the voters come up." Having thus been vouched for he was allowed to vote. But if he declined the red-striped ticket, they would shout: "Meet him on the ice," and then the voter was generally pushed away from the window and into the street.<sup>6</sup>

The polling places were also situated in many cases away from the most populous parts of the ward and in the neighborhood of political headquarters and disreputable grog shops.<sup>7</sup> At one polling place a cannon was mounted at the curb as a dire menace to the opponents of the Know Nothings.<sup>8</sup> Not only was intimidation resorted to, but a

<sup>1</sup> "Maryland Contested Election," 29.

<sup>2</sup> *Ibid.*, 113 and 114.

<sup>3</sup> *Ibid.*, 37.

<sup>4</sup> *American*, November 5.

<sup>5</sup> "Maryland Contested Election," 54.

<sup>6</sup> *Ibid.*, 107.

<sup>7</sup> *Ibid.*, 34, 20, 815.

<sup>8</sup> *Ibid.*, 20.

more positive means of fraud was practiced by minors and repeaters.<sup>1</sup> Indeed in many cases the judges, knowing the votes to be illegal, received the ballots, and then threw them on the floor as the only means of getting rid of these importunate voters.<sup>2</sup> The Eighth ward the Know Nothings seem to have tacitly surrendered to their opponents, and the latter did not hesitate to drive the Know Nothing ticket holder away.<sup>3</sup> That fraud was practiced here is evident from the fact that the total vote in 1860 was only 1266, while the Democratic vote in 1857 was 2135. The absence of serious riot is probably due to the fact that this ward was left in undisputed sway of the Democrats.

With such intimidation, it is almost needless to state the result of the election. Hicks, the Know Nothing candidate for Governor, received in the city 17,850 votes, as against 8211 for his opponent, Groome. It was well for him that the city gave him such a majority, for the rest of the State gave his opponent a clear majority of 1179. The other State officials and four Congressmen out of six were also elected by the Know Nothings.<sup>4</sup> The Legislature also continued in the control of the Know Nothings, the latter having a clear majority in both houses.<sup>5</sup>

An election conducted in such a manner was not to pass unquestioned. On November 25, Mr. William Pinckney Whyte, the Democratic candidate for Congress in the third district, notified his successful opponent, Mr. J. Morrison Harris, of his intention to contest the election.<sup>6</sup> On February 25, 1858, the papers in the case were presented to the House of Representatives and referred to the Committee on Elections.<sup>7</sup> After considering the thousand printed pages of testimony offered, the committee reported

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<sup>1</sup> "Maryland Contested Election," 127, 128.

<sup>2</sup> *Ibid.*, 25.

<sup>3</sup> *Ibid.*, 876. <sup>4</sup> *Vide* election returns in "*Tribune Almanac*, 1858."

<sup>5</sup> Senate: Know Nothings 15, Democrats 7. House: Know Nothings 44, Democrats 29.

<sup>6</sup> "Maryland Contested Election," 1.

<sup>7</sup> *Cong. Globe*, 35th Congress, 1st Session, 102.

unanimously in favor of denying the seat to Mr. Whyte,<sup>1</sup> but by a strict party vote of five to four it recommended that the election be declared void and the seat vacant.<sup>2</sup> On December 15, 1858, the report was presented to the House.<sup>3</sup> The House was Democratic, but some of the Southern members were afraid to unseat the sitting member, as the Know Nothing leaders said that the contestant could not be elected, and that if the sitting member was ousted an anti-slavery man would be sent from the district. The Kansas question was then uppermost, and the Southern men were endeavoring to have Kansas admitted under the Lecompton Constitution. The threat of the Know Nothing leaders had the desired effect, and when the question came up in the House the whole subject was ordered laid on the table by a vote of one hundred and six to ninety-seven.<sup>4</sup> and no further action was taken upon it. The Southern Democrats thus showed that they were willing to sacrifice everything, even the freedom of elections, the very foundation of republican government, in order to further the interests of slavery. In justice to Mr. Harris it should be stated that neither Mr. Whyte nor the Committee on Elections connected him in any way with the fraud and disorder.<sup>5</sup> Later in the session the House allowed Mr. Whyte pay and mileage up to the time the case was disposed of. This however, was not accepted.

Henry P. Brooks also contested the seat of Henry Winter Davis, in the Fourth Congressional District. The contestant did not claim the seat, but merely asked that it be declared vacant, and asked that the House make a special investigation of his statements.<sup>6</sup> This the House refused to

<sup>1</sup> *American*, June 7, 1858.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Cong. Globe*, 35th Congress, 2d Session, 102.

<sup>4</sup> *Cong. Globe*, Part I, 2d Session, 35th Congress, 102-3, 120.

<sup>5</sup> "Report of the Committee on Elections," 38.

<sup>6</sup> Bartlett: "Contested Election Case in Congress." House Miscellaneous Documents, No. 57, 38th Congress, 2d Session, 245.



do, declaring that the contestant must take his testimony before a local magistrate as provided for by the Act of 1851.<sup>1</sup>

The defeated candidates for the House of Delegates from Baltimore also contested the seats of the members as returned by the election officials. On January 21, 1858, the House received the memorial,<sup>2</sup> and after refusing to have it printed in any form, referred it to the Committee on Elections.<sup>3</sup> On February 16 the committee reported against any investigation of the election in Baltimore, saying that all the trouble was caused by the action of the Governor.<sup>4</sup> The minority of the committee made a dissenting report,<sup>5</sup> but the report of the majority was adopted by the House by a strict party vote of thirty-nine to twenty-six.<sup>6</sup>

The second Legislature controlled by the Know Nothing party met at Annapolis on January 6, 1858. The previous Legislature had failed to carry out the demands of the party, and consequently many new faces were seen upon the Know Nothing side of the House of Delegates. In fact, there were only two members of the dominant party who had also been members at the previous session. The remainder were mainly raw and inexperienced, very few of the minority ever having had any legislative experience.<sup>7</sup> The House organized by electing J. Summerfield Berry, of Baltimore County, as Speaker,<sup>8</sup> and the Senate chose as its presiding officer Edwin H. Webster, of Harford County.<sup>9</sup>

At this session, as at the previous one, the Governor's message was the occasion of the first disturbance of the even tenor of legislation. The Governor committed the indiscretion of giving his message to the newspapers before it had been presented to the House.<sup>10</sup> Accordingly when

<sup>1</sup> Bartlett: "Contested Election Case in Congress." House Miscellaneous Documents, 38th Congress, 2d Session, 246.

<sup>2</sup> *House Journal*, 1858, 101.

<sup>3</sup> *Ibid.*, 102.

<sup>4</sup> *Ibid.*, 396.

<sup>5</sup> *Ibid.*, 397.

<sup>6</sup> *Ibid.*, 399.

<sup>7</sup> *American*, March 13, 1858.

<sup>8</sup> *House Journal*, 1858, 6.

<sup>9</sup> *Senate Journal*, 1858, 4.

<sup>10</sup> *Sun*, January 9, 1858.

the message was presented to the House, on January 8, that body refused to have it read and ordered it to lie on the table by a strict party vote of forty-one to twenty-eight.<sup>1</sup> At the next meeting of the House the message was read,<sup>2</sup> but the temper of the House was manifested when it ordered only one hundred copies to be printed for the use of the members.<sup>3</sup> Not until February 17 were five thousand copies, together with the correspondence between the Mayor and the Governor, ordered to be printed.<sup>4</sup>

The strict party vote on the question of reading the message showed that it was not the dignity of the House which had been offended, but merely the feeling of the majority. This was caused, not by the premature publication of the message, but by the reference in it to the conduct of elections in Baltimore. Under the heading, "Lawlessness in Baltimore," the Governor devoted twelve pages of his message to an account of the recent election in Baltimore, and his own futile efforts to exercise the authority of the State Executive for the preservation of the peace.<sup>5</sup> Commenting upon the election in the metropolis of the State, he said: "A form of suffrage was observed under circumstances defiant of the execution of the laws. Riot in its vociferous and most formidable aspect did not occur, but I was made the recipient of almost ceaseless complaints of outrages, violence and organized ruffianism at the polls, whereby multitudes of citizens, native and naturalized, were deterred from voting."<sup>6</sup> \* \* \*

"\* \* \* Before I leave this branch of the subject, I must take occasion to remark, that under a sense of duty, not left to my discretion, I have issued commissions to all those persons who appear by the official returns from the city of Baltimore to have been elected to the various offices. At the same time I record my deliberate opinion that the

<sup>1</sup> *House Journal*, 1858, 19.

<sup>3</sup> *Ibid.*, 29.

<sup>5</sup> Governor's Message, 1858, 21, *et seq.*

<sup>2</sup> *Ibid.*, 27.

<sup>4</sup> *Ibid.*, 407 and 408.

<sup>6</sup> *Ibid.*, 27.

election was fraudulently conducted; that in the exclusion of thousands of people from the polls, there has been no expression of the popular will; and that the whole of the returns from this city are vicious, without a decent claim to official recognition anywhere, and in all their character a gross insult to our institutions and laws, and a most offensive mockery of the great principles of political independence and popular suffrage.”<sup>1</sup>

Such a denunciation of the election by which a number of the members of the House had been returned could not fail to stir up bad feeling. On the day after the message was read a preamble and resolutions were offered,<sup>2</sup> censuring the Governor for his interference. The allegations of the Governor were denounced as a “libel upon the people of that great commercial metropolis of our State,”<sup>3</sup> and the interposition of the Governor characterized as “ill-advised, reckless, unnecessary, and dangerous to the peace of the city.”<sup>4</sup> The expression used in the Governor’s proclamation, “let no man leave the precincts of his own ward,” was pronounced “without authority of law, a flagrant invasion of that personal liberty so dear to every American heart, and, sustained as it was by such an exhibition of intention to use military force, was an act of despotism unparalleled in the annals of our country.”<sup>5</sup>

When the resolutions came up the debate over them was long and angry. On the night of January 22, the debate was particularly exciting and acrimonious, and the House was in session until 1 o’clock in the morning. The House was in committee of the whole, when one of the minority persisted, in spite of the orders of the chairman, in interrupting a member who was giving vent to some very severe denunciations of the Governor. The member still continuing his interruption, the chairman, in the excitement, left the chair and advanced upon the member and declared

<sup>1</sup> Governor’s Message, 1858, 28.

<sup>2</sup> *Ibid.*, 39.

<sup>3</sup> *Ibid.*

<sup>4</sup> *House Journal*, 1858, 37.

<sup>5</sup> *Ibid.*

that he would compel him to take his seat. A scene of wild disorder and confusion followed. Many of the members were known to be armed, and it seemed as if serious trouble would ensue. Just at this moment the Speaker sprang into the chair, declared the committee dissolved, and called the House to order.<sup>1</sup> The previous question having been called, the resolutions were passed by a strict party vote.<sup>2</sup> The Senate also adopted the resolutions by a party vote of ten to four.<sup>3</sup>

The dominant party let no opportunity escape for denouncing the action of the Governor. The House committee on the Contingent Fund censured the Governor for his expenditure of \$1712.44 for freight on the muskets borrowed from the Governor of Virginia, and for the purchase of cartridges.<sup>4</sup> The majority of the committee protested against such a use of the State's money,<sup>5</sup> but as the Governor was the sole judge of such expenditures, the House could take no further action. Governor Hicks, in his inaugural address on January 13, 1858, also took occasion to pay his respects to his predecessor for his action in the election in Baltimore.<sup>6</sup>

Although the membership of the House had been almost entirely changed, yet the majority in the House, just as in the preceding one, seemed to care very little for the pet principles of the party. Indeed, public sentiment seems to have changed. Whereas, in the Legislature of 1856 numerous petitions had been presented praying for the suppression of convents and nunneries,<sup>7</sup> at this session the only petition of this kind was from the Rev. A. B. Cross, who had been so active in the previous agitation.<sup>8</sup> The petition was referred to the Committee on Judiciary,<sup>9</sup> from

<sup>1</sup> "Baltimore, Past and Present," 190, 192.

<sup>2</sup> *House Journal*, 121, *et seq.*

<sup>3</sup> *Senate Journal*, 1858, 152.

<sup>4</sup> *House Journal*, 1858, 477, House Document, L, 1.

<sup>5</sup> *Ibid.*, 2.

<sup>6</sup> *Vide* Inaugural Address, 10-12.

<sup>7</sup> *House and Senate Journals*, 1856, *passim*.

<sup>8</sup> *House Journal*, 1858, 281.

<sup>9</sup> *Ibid.*, 282.

which it never emerged. Nor did a bill to prohibit the State courts from granting naturalization certificates share a much better fate. The bill got as far as its second reading, but a motion to suspend the rules for its third reading was lost,<sup>1</sup> and the bill was heard of no more.

If the Legislature was lax in these original precepts of the party, it was not at all slow in passing a measure which might look to a perpetuation of the power of the party. This measure was to submit to the voters the question of calling a convention to frame a new Constitution.<sup>2</sup> While the existing Constitution had been recognized as not being all that could be desired,<sup>3</sup> yet there had been no agitation of the subject during the preceding campaign, nor had it been demanded by the people. The Constitution provided that after each census the question of calling a Constitutional Convention should be submitted to a vote of the people.<sup>4</sup> This would bring up the question in the regular course of events in 1861, and after seven years' service it seemed strange to call a new convention within three years of the regular time.

The real object of the proposed convention, it was charged, was to provide offices for the Know Nothings by concentrating the appointing power in the hands of the Governor.<sup>5</sup> It was also charged that representation was to be placed exclusively upon a basis of population. This would give Baltimore one-third of the Legislature, and the clubs in that city were to ensure the supremacy of the Know Nothings.<sup>6</sup> It was further stated that the independence of the judiciary was to be attacked, and that the removal of the seat of government to Baltimore was also contemplated.<sup>7</sup> The suddenness of the movement was enough in itself to throw suspicion upon it.

<sup>1</sup> *House Journal*, 1858, 657.

<sup>2</sup> *Ibid.*, 546.

<sup>3</sup> "The Reform Conspiracy"—Letters by E. W. Belt, 22.

<sup>4</sup> Constitution 1850, Art. XI.

<sup>5</sup> *Maryland Union* (Frederick), March 11 and May 20, 1858.

<sup>6</sup> *Ibid.*, March 11.

<sup>7</sup> *Ibid.*, May 13 and 20.



On March 1 and 2, the bill was taken up in the House, and the action on the amendments offered seemed to verify the charge of its opponents. An amendment providing that the convention should not be held unless "a majority of the actual legal voters of the State shall vote 'for' the said convention; and the said majority shall be computed with reference to the total vote cast for Governor in the year 1857 as a standard," was voted down by a vote of twenty-two to thirty-three.<sup>1</sup> Further amendments<sup>2</sup> denying to the convention the power to change the basis of representation of the counties and of the city of Baltimore in the General Assembly;<sup>3</sup> denying the power to alter any part of the existing Constitution giving the people the right to elect the principal officers in the several departments of the Government;<sup>4</sup> and one denying any power to remove the capital from Annapolis were all voted down by a party vote.<sup>5</sup> An amendment proposing that the convention should have no power to amend the guarantees of religious liberty as set forth in the Constitution and Bill of Rights was also rejected by a party vote of twenty to thirty-nine.<sup>6</sup>

The House had denied the right of the Legislature to restrict the convention in the exercise of its power, but it was not consistent, to say the least, when it adopted an amendment declaring that the convention should have no authority to change any provisions of the existing Constitution which recognized the institution of slavery and the relation of master and slave.<sup>7</sup> The bill with this amendment passed the House by a vote of forty-four to twenty-three.<sup>8</sup>

In the Senate the same amendments and a few additional ones denying the right of any further lottery grants,<sup>9</sup> and

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<sup>1</sup> *House Journal*, 1858, 658.

<sup>2</sup> *Ibid.*, 673, *et seq.*

<sup>3</sup> *Ibid.*, 675.

<sup>4</sup> *Ibid.*, 676.

<sup>5</sup> *Ibid.*, 677.

<sup>6</sup> *Ibid.*, 678 and 679.

<sup>7</sup> *Ibid.*, 673, 674.

<sup>8</sup> *Ibid.*, 806.

<sup>9</sup> *Senate Journal*, 1858, 533.

providing that no life terms should be created were all rejected by a party vote.<sup>1</sup> The bill was then passed by a vote of fifteen to six,<sup>2</sup> one of the Know Nothing Senators voting against it.”<sup>3</sup>

This was the only piece of legislation of any importance passed during the entire session. The legislation was almost entirely in the nature of private and local bills. The inexperience of most of the members caused a great loss of time in determining the rules, and much time was lost in the quarrels between the majority and the minority.<sup>4</sup> Nor were these the only quarrels, as there was friction within the dominant party. The *Clipper*, the Know Nothing organ in Baltimore, expected to get the State printing, and with that end in view set up a printing office at Annapolis. But the printing went elsewhere, and the *Clipper* charged that “the man who furnished the barrel of whiskey which defeated the *Clipper* for the printing of the House never received a red cent.”<sup>5</sup> It was no wonder that the *Clipper* rejoiced when the Legislature adjourned and gave “thanks to the Creator of all good that we have just passed from an epoch shrouded in pestilential vapors—blunting the edge of our brightest hopes and spreading a pall over the future energy and justice of State Legislatures.”<sup>6</sup>

The first event after the adjournment of the Legislature was the vote upon the question of calling the Constitutional Convention. The election excited comparatively little interest, the main adherents of the convention being the Know Nothing clubs, who endorsed the call with great unanimity.<sup>7</sup> The influence of the party in the city was strong enough to bring out a vote of 5404 for a convention and 3957 against it; the counties, however, came to the rescue and the proposal was defeated by over 8000 majority.<sup>8</sup>

<sup>1</sup> *Senate Journal*, 1858, 532.

<sup>2</sup> Daniel, of Somerset County.

<sup>5</sup> *Clipper*, March 18, 1858.

<sup>7</sup> *Clipper*, May 24, 1858.

<sup>3</sup> *Ibid.*, 534.

<sup>4</sup> *Clipper*, March 13, 1858.

<sup>6</sup> *Ibid.*, March 25.

<sup>8</sup> *Clipper*, June 4, 1858.

The year 1858 was essentially an off year in Maryland politics. There was no election for State officials in this year nor for Congressmen; and the entire interest was centered in the town elections and in the municipal election in Baltimore. Swann, after announcing that he would not run again,<sup>1</sup> was finally persuaded to accept a renomination.<sup>2</sup> The Democrats seemed to be hopelessly demoralized and resolved to make no nominations.<sup>3</sup> The opponents of Swann and Know Nothingism, however, met in convention and nominated Col. A. P. Shutt for the Mayoralty.<sup>4</sup> The independents did not carry on a very vigorous campaign and many persons supported Swann because "the Know Nothings were driven to desperation and were bound to win in any event."<sup>5</sup>

The election was preceded by unusual quietness and a peaceful election was looked forward to.<sup>6</sup> The election was a repetition of that of the year before, there being no rioting, but much intimidation and disorder. As in the preceding year the opponents of Know Nothings held the Eighth Ward, and citizens who were unable to vote in other wards came to this one and cast their ballots. As a result the independent candidate received in this ward 3428 votes out of his entire total of 4859.<sup>7</sup> The marked tickets were again used, and after the election Mr. Swann had the complacency to say that he did not know that these tickets were to be used until the night before the election, when it was too late to print others.<sup>8</sup> At noon the independent candidate withdrew from the contest, no longer wishing to endanger the lives of his friends at the polls.<sup>9</sup> The result of the election was that Swann was elected by a majority of 19,144 out of a total vote of 24,003.

<sup>1</sup> *American*, September 9, 1858.

<sup>2</sup> *Sun, American*, September 22.

<sup>3</sup> *American*, August 6, 1858.

<sup>4</sup> *Sun, American*, October 13.

<sup>5</sup> *American*, October, 16, 1858.

<sup>6</sup> *Ibid.*, October 13.

<sup>7</sup> *Sun, American*, October 14; *Sun*, October, 29.

<sup>8</sup> *American*, October 20, 1858.

<sup>9</sup> *Ibid.*, October 14.

The City Council was Know Nothing with the exception of one member in each branch.<sup>1</sup>

The outcome of this election was a nominal reorganization of the police force by Mayor Swann,<sup>2</sup> which, however, had little effect in checking disorder and none whatever in improving the conduct of elections. But more important than this was the organization of a "City Reform Association" on November 2, for non-partisan nominations to city offices.<sup>3</sup> It was this association which two years later finally wrested the city from the rule of the Know Nothings.

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<sup>1</sup> *Sun, American*, October 14.

<sup>2</sup> *American*, October 20.

<sup>3</sup> *Sun, American*, November 3, 1858.

## V. DOWNFALL OF KNOW NOTHINGISM. 1859-1860.

As in other years the spring months of 1859 showed no great political activity in either party. The State Council met on April 6, and adopted resolutions repudiating sectionalism of all kinds, both abolitionism at the North and sectionalism at the South.<sup>1</sup> In the Democratic party fealty had evidently disappeared and the party machinery had fallen into a state of "innocuous desuetude."<sup>2</sup> While there was not much political excitement in these months, yet the disorder and lawlessness grew apace.<sup>3</sup> What efforts the police made to check this disorder were rendered nugatory by the action of the Judge of the Criminal Court, who was notorious for his loose habits and disregard of all the conventions of civilized society and the dignity of a court.<sup>4</sup> A Judge who treated the ruling of the Court of Appeals with contempt,<sup>5</sup> and who was frequently picked up by the night watch for his convivial habits, could hardly inspire much respect for the majesty of the law.

The Know Nothings having conquered and disheartened their Democratic opponents, they now began to fight among themselves. At the primary elections held to elect delegates to the City and Legislative Conventions the factions in the party fought each other as cordially as they had fought the Democrats in the previous campaigns. Open intimidation was practiced to such an extent that the respectable members of the party were driven from the polls

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<sup>1</sup> *American*, April 7, 1859.      <sup>2</sup> *Ibid.*, February 3, 1859.

<sup>3</sup> *Clipper*, June 30; *American*, July 7.

<sup>4</sup> *American*, September 15, 1858.

<sup>5</sup> Testimony before the Committee of the House of Delegates, 12. *American*, February 2, 1859.



and the party was left to the tender mercy of the clubs.<sup>1</sup> The disorder was so marked that notice was taken not only in the newspapers of other cities, and in some cases greatly exaggerated, but a report of the disorder also found its way into the *London Illustrated News*.<sup>2</sup>

Within a short time the Know Nothings had put candidates in the field for all the offices. The Democratic party seemed utterly powerless, and some opposition was absolutely necessary, as the recurring disorder threatened to injure the trade of the city and to prevent merchants from visiting it to make purchases.<sup>3</sup> Accordingly the *American*, on August 26, demanded that a town-meeting should be held to consider the condition of the city. The matter was given in charge of a committee of citizens and a call was issued for a meeting to "devise some means to rescue our city from its present deplorable condition."<sup>4</sup> At this meeting, which was held on September 8, it was resolved that the president of the meeting should appoint a central committee of one from each ward to have charge of the election arrangements and to make nominations.<sup>5</sup>

This meeting called forth a counter demonstration on the part of the Know Nothings, and Henry Winter Davis took care to pick to pieces the address issued by the Citizens Committee. In this address the committee had used the words "to devise some means of rescuing the city from its present deplorable condition." In commenting upon the use of the word "rescue" Davis took occasion to denounce it as an attempt to establish a vigilance committee and to overthrow the regularly constituted authorities.<sup>6</sup> His adherents were not slow to grasp his meaning and the usual amount of disorder prevailed at the municipal elec-

<sup>1</sup> *American*, August 3 and 18; *Sun*, August 19, 1859.

<sup>2</sup> *London Illustrated News*, August 20, 1859.

<sup>3</sup> *American*, September 9, 1859.

<sup>4</sup> *Ibid.*, August 30, 1859.

<sup>5</sup> *Sun*, *American*, September 9, 1859.

<sup>6</sup> *American*, September 6, 1859.

tion on October 13. But in spite of fraud the reform party succeeded in electing six members of the City Council.<sup>1</sup>

Most of the interest, however, was centered in the State election about three weeks later. About a week before the election the clubs held a grand rally in Monument Square, and the transparencies gave evidence of what could be expected at the coming election. At the preceding municipal election the shoemaker's awl had been introduced as an element of persuasion, and this instrument formed the subject of many of the designs. One of the clubs even had a blacksmith forge on wheels with men at work making awls, and Henry Winter Davis did not hesitate to address his supporters with a huge awl four feet long hanging over his head.<sup>2</sup>

The mottoes were characteristic of what the party had come to in the hands of the clubs, and gave evidence of an open disregard for even an appearance of decency. One paper stated that some were exhibited which no paper would dare to print.<sup>3</sup> The following are selected as characteristic: One of the transparencies contained the figure of a man running with another in pursuit sticking an awl into him.<sup>4</sup> Another represented an uplifted arm with a clenched fist with the motto "With this we'll do the work." Still another was a picture of a bleeding head marked "the head of a Reformer." But the transparency which probably most correctly represented the feeling of the majority of the meeting was the couplet which read:

"Reform movement—reform man,  
If you can vote, I'll be d——d."<sup>5</sup>

It is hardly necessary to give the details of the election, duplicating as they do those previously described. A new

<sup>1</sup> *Sun, American*, October 14, 1859.

<sup>2</sup> *Ibid.*, October 28, 1859. "Testimony before a Committee of the House of Delegates," 12.

<sup>3</sup> *American*, October 29, 1859.

<sup>4</sup> "Baltimore Contested Election," 352.

<sup>5</sup> *Ibid.*

departure was the use of the awl, which had been first tried at the municipal election in October. Another custom which had never been used by the Know Nothings, but which had existed before their time, was the use of coops for voters. Voters, and many persons not legal voters, were captured by the workers of the party and confined in cellars and other convenient places. Often beaten and robbed, the poor victims were thrown into these filthy places where as many as a hundred and fifty men were sometimes confined for several days without even the decencies of civilized life.<sup>1</sup> It is a nauseating narrative which reminds one more of the Middle Ages than of a free country in the middle of the Nineteenth Century.

With such methods the success of the Know Nothing candidates was assured and they carried the city by almost twelve thousand majority. The remainder of the State, however, went against them. Disgusted with the state of affairs in Baltimore the counties went into the Democratic column and the vote of the State, outside of Baltimore, showed a majority of over nineteen hundred for the Democratic candidate for Comptroller. The Legislature was also Democratic, the relative strength of the parties in the House of Delegates being just the reverse of what it had been two years before.<sup>2</sup>

This election also gave occasion for several contests. The defeated candidates<sup>3</sup> for the Legislature from Baltimore filed notice of contest,<sup>4</sup> and the usual mass of testimony was taken by a committee of the Legislature. The Committee on Elections reported that there was no election by reason of the disorder.<sup>5</sup> On the last day of the session

<sup>1</sup> "Baltimore Contested Elections," 36, *et seq.*, 145.

<sup>2</sup> House : Democrats 45, Know Nothings 29. Senate : Democrats 12, Know Nothings 10.

<sup>3</sup> Adam Denmead, E. Wyatt Blanchard, Francis B. Loney, Hugh A. Cooper, Isaac S. George, John J. Graves, Henry Stockbridge, John F. Meredith, William Colton and William F. Burns.

<sup>4</sup> *House Journal*, 1860, 10.

<sup>5</sup> *Ibid.*, 706.

the matter came up in the House, and the House by a vote of forty-one to six adopted the report of the committee, declaring the seats to be vacant. Twelve of the minority refused to vote on the ground that the testimony had not been read in the House.<sup>1</sup>

The defeated candidate for Comptroller likewise contested the election of his successful opponent.<sup>2</sup> This contest was also decided by the House of Delegates, as that body was vested with the power to decide contested elections to the office of Comptroller.<sup>3</sup> The contest hinged upon the conduct of the election in Baltimore as the vote of the State outside of Baltimore was 33,076 for Jarrett, the Democratic candidate, and 30,584 for Purnell the Know Nothing. In Baltimore the vote received by the two candidates was 5333 and 18,118, respectively. In the contest of the defeated candidates for the House of Delegates from Baltimore, the House had not seated the contestants, but had merely declared the seats vacant, and the election void by reason of fraud and violence at the election.<sup>4</sup> In this case the House threw out the vote in Baltimore entirely, but instead of declaring the office vacant, it decided that Jarrett, the contestant, was entitled to the office as he had received a majority of the votes in the State outside of Baltimore.<sup>5</sup>

The resolution of the House, however, did not put Jarrett in possession of the office, although such was the evident intention of the law. When Jarrett appeared before the Governor and tendered his bond and offered to take the oath of office, the Governor accepted the bond, but refused to administer the oath.<sup>6</sup> Consequently Jarrett could not take possession of the office. In this way the Governor overcame the action of the House of Delegates, as the

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<sup>1</sup> *House Journal*, 1860, 893.    <sup>2</sup> *Ibid.*, 49.

<sup>3</sup> Act 1853, chap. 244. Code of Public General Laws, Art. 35, sec. 52.

<sup>4</sup> *House Journal*, 1860, 706, 893.

<sup>5</sup> House of Delegates Document Y, 23-27. *Journal*, 894.

<sup>6</sup> 17 Maryland Reports, 315.

Know Nothing candidate, Purnell, had held the office for the previous term and held over until his successor should qualify. On May 8, 1861, Purnell resigned the office, and the Governor appointed Dennis Claude.<sup>1</sup> On June 12, 1861, the Legislature, then in extra session, passed an act authorizing any Judge of the Court of Appeals to administer the oath to Jarrett and to approve his bond. On July 9, Judge James L. Bartol approved Jarrett's bond, and administered the oath in conformity with the above statute.<sup>2</sup> Claude, however, refused to vacate the office. The State Treasurer, on July 29, refused to pay a warrant drawn by Claude in favor of Thos. J. Wilson, and Wilson applied for a writ of mandamus against the Treasurer. At the same time the State prayed a writ of injunction against Harwood and Jarrett to prevent them from interfering with the incumbent, Claude. It was on the injunction suit that the case came to the Court of Appeals from the Equity side of the Circuit Court for Harford County.<sup>3</sup>

On October 8, 1861, the Court of Appeals decided the case, and held Jarrett entitled to the office. In deciding the case the following points of law were established. The decision of the House of Delegates on such a contest must be taken as final and conclusive, no matter what may have been the reasons which induced such decision. The power given to the House of Delegates is not a special or limited jurisdiction, nor are its decisions liable to the reasoning applicable to judgments of such tribunals, its jurisdiction is the only entire and absolute one in such cases, and there is no other tribunal which can review it. In case of a contested election for the office of Comptroller, if the party decided by the House of Delegates to be elected, fails to qualify, by giving bond and taking the necessary oath of office, the party holding under the previous election continues in office until the due qualification of his successor. In

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<sup>1</sup> 17 Maryland Reports, 310, 324.

<sup>2</sup> *Ibid.*, 316.

<sup>3</sup> *State vs. Jarrett*, 17 Maryland, 310.



case the party so holding over resign, the Governor has the constitutional power to appoint his successor, not, however, necessarily for the full period between the appointment and the next general election, but until the party entitled to the office shall duly qualify. In case of contested election to the office of Comptroller, the party decided by the House of Delegates to be elected, is placed in the same position as if he had been returned by the Judges of Election, and if, by any defect in the law, or on the part of its administrators, he is prevented from qualifying, it is competent for the Legislature to pass an enabling act for that purpose. When the party declared elected qualifies after the resignation of the party holding over, and after an appointment by the Governor, the appointment of the Governor, in such case, is *ad interim* only, and the appointee is subject to be divested whenever the party declared elected duly qualifies.<sup>1</sup>

The new Legislature met on January 4, 1860. One of the first matters to engage its attention was the question of a proper police force for Baltimore, and one of the first acts passed was one taking the control of the police away from the Mayor, and putting it in the hands of a board of four Commissioners elected by the Legislature.<sup>2</sup> At the same time the Board was authorized to divide the city into election precincts.<sup>3</sup> Those bills were among the earliest passed by the Legislature, the Senate having passed the Police Bill on January 28,<sup>4</sup> and the House on February 2.<sup>5</sup> In its conduct on the Police Bill the Legislature went to an extreme of partisanship and sectionalism which was characteristic of the period. The Act contained a clause "that no Black Republican or endorser of the Helper Book should be appointed to any office under said Board."<sup>6</sup> This "Helper

<sup>1</sup> State *vs.* Jarrett, 17 Maryland, 309.

<sup>2</sup> Act of 1860, chap. 7.

<sup>3</sup> *Ibid.*, chap. 9.

<sup>4</sup> *Senate Journal*, 1860, 130.

<sup>5</sup> *House Journal*, 1860, 27.

<sup>6</sup> Act 1860, chap. 7, sec. 6. Code 1860, Public Local Laws, Art. 4, sec. 809.

Book" was a book by H. Rowan Helper, a native of North Carolina, and was written under the title of the "Impending Crisis." The book advocated the abolition of slavery more particularly with reference to the economic aspects as regards the whites than with regard to humanitarian or religious considerations.<sup>1</sup> The book was first published in 1857, and in 1860 it was largely used by the Republican party as a campaign document. Over a hundred and forty thousand copies were issued within four years of its first publication. This action of the Legislature showed that the Democrats were just as proscriptive as they had charged the Know Nothings with being, as it was just as much a part of the religion of the Abolitionist to oppose slavery as it was for the Catholics to believe in the Pope's supremacy. This section was repealed by the Act of February 18, 1862.<sup>2</sup>

It is interesting to compare this section with that part of the law which prescribed the oath to be taken by the members of the Board of Police Commissioners. After enumerating the duties of the Board, the following oath was prescribed: "That in any and every appointment or removal to be by them made to or from the police force created and to be organized by them under this article, they will in no case and under no pretext appoint or remove any policeman or officer of police, or other person under them, for or on account of the political opinion of such policeman, officer or other person, or for any other cause or reason than the fitness or unfitness of such persons."<sup>3</sup> While the Commissioners were forbidden to appoint or remove any policeman for political reasons, yet they were allowed and even enjoined *not* to appoint any person who held certain political views.

<sup>1</sup> H. R. Helper : "The Impending Crisis," v.

<sup>2</sup> Act of 1862, chap. 131.

<sup>3</sup> Public Local Laws 186c, Art. 4, sec. 806. Act 1860, chap. 7,

In addition to the Police Bill the Legislature petitioned the Governor for the removal of Judge Stump, the Judge of the Criminal Court in Baltimore, whose conduct had done so much to encourage the lawless element. The Constitution empowered the Governor to remove any Judge upon the petition of two-thirds of the members of each House of the General Assembly.<sup>1</sup> The Legislature, after taking testimony, petitioned the Governor in due form, and the Judge was accordingly removed from office.<sup>2</sup> This, however, was not accomplished before the Judge had appeared at the capital, and had a personal encounter with one of the Senators relative to the Senate report.<sup>3</sup>

The Legislature also passed a resolution censuring Henry Winter Davis for voting for Pennington for Speaker of the House of Representatives.<sup>4</sup> This resolution was passed by an almost unanimous vote, the Know Nothing members voting in favor of the resolution.<sup>5</sup> The action of Davis was contrary to the position of the party in Maryland, even the *Clipper* joining in the universal condemnation of Davis.<sup>6</sup> Davis retorted in his usual forcible style in a speech in the House of Representatives.<sup>7</sup> After reviewing the conduct of the Democratic party in the Legislature he scored it in the following language: "Sir, it has always been the striking and marked peculiarity of that

<sup>1</sup> Constitution 1850, Art. IV, sec. 4.

<sup>2</sup> *House Journal*, 1860, 704. *Senate Journal*, 1860, 584, 637.

<sup>3</sup> *Clipper*, March 8, 1860.

<sup>4</sup> "Resolved by the General Assembly of Maryland, that Henry Winter Davis acting in Congress as one of the representatives of this State, by his vote for Mr. Pennington, the candidate of the Black Republican party for the Speakership of the House of Representatives, has misrepresented the sentiments of all portions of this State, and thereby forfeited the confidence of her people." *House Journal*, 1860, 354.

<sup>5</sup> *Ibid.*, 355. *Maryland Union* (Frederick), February 16, 1860.

<sup>6</sup> *Clipper*, February 11, 1860.

<sup>7</sup> *Cong. Globe*, 1st Session, 36th Congress. Appendix, 117.  
"Speeches and Addresses of Henry Winter Davis," 125.

party, which now accidentally and only temporarily predominates in the councils of Maryland, that they will allow no opportunity to pass of what they call indicating their entire fealty to the South, and that, sir, always consists in exciting sectional strife, in mooting matters which men ought not to argue, in libeling their neighbors, in endeavoring to make them hateful and disgusting to their fellow-citizens, in giving an advertisement to the whole country that everybody that is not a Democrat is an Abolitionist, and that if any fanatics shall see fit at any time to come within the limits of a Southern State for the purpose of shaking and upsetting the solid foundations of society, there would be found men who, if they feared to join them, would yet sympathize with them. \* \* \* Agitation, clamor, vituperation, audacious and pertinacious, are their weapons of warfare. Of this spirit the Legislature of Maryland as now constituted is the incarnation. It stands the embodiment of that terrific vision of the Portress of Hell gate, who to the eye of Milton

‘ Seemed women to the waist and fair  
But ended in many a scaly fold  
Voluminous and vast,’ etc.

“And they, as false to their mission as the Portress of Hell to hers, stand ready, for the purpose of retaining their hold of power, to let loose on this blessed land the Satan of demoniacal passion.”<sup>1</sup>

Then, turning to the Know Nothing members who had voted for the resolution, he paid his respects to them in the following terms: “I confess myself surprised that my own friends, excepting four of them, voted for it. I fear that in one evil hour some of them allowed themselves to be frightened. I suspect some of them were afraid that they should be called ‘Abolitionists.’ Subjected to the torture of voting against a resolution which was supposed to be in

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<sup>1</sup>“Speeches and Addresses of Henry Winter Davis,” 132.

favor of Southern rights, or of deserting a friend, they could not be expected to regard justice to me rather than safety to themselves. So every man took care of himself. Some voted for the resolutions who went through the elections on my shoulders. They did not know that when they saw away the bough between themselves and the tree they must fall. But, sir, it was a curious scene. The clerk called the name of an American in the Legislature once, and there was a pause; twice, and there was a shuffling; thrice, and there was a hesitating response. Then there was a period of blessed repose, when certain Democratic names were called, and were responded to with that earnestness with which Democrats always respond when aiming a blow at a political adversary. Then some unfortunate Americans were called upon to vote. The gentlemen stood first on one leg and then on the other, in sad doubt on which to rest; gentlemen looked over their shoulders to see if there were not some dust of a coming reprieve, some rushed to inquire of friends whether they ought or ought not to vote for the resolution; while there sat their inexorable and determined opponents, with their eyes glaring upon them and their mouths open, sure of their prey after the fluttering was over, and in they went. \* \* \* Sir, I admire the audacity of the Maryland Democrat as much as I deplore the weakness of the Maryland American."<sup>1</sup>

Such a diminution of the power of the Mayor and City Council as was effected by the law putting the control of the police force in the hands of Commissioners appointed by the State was not to pass unchallenged. When the new Commissioners demanded the control of the police force, the Mayor refused to acknowledge the constitutionality of the Act creating the Board of Police Commissioners. The new Commissioners accordingly, on February 10, 1860, applied for a writ of mandamus in the Superior Court of Baltimore. This being granted, the Mayor and City Coun-

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<sup>1</sup> "Speeches and Addresses of Henry Winter Davis," 137.



cil took an appeal, and on April 17, a decision was rendered by the Court of Appeals.<sup>1</sup> Upon the Act of 1860 and this decision upon it rests the present government of the Baltimore police. The main points laid down in this decision were the following:

The attorney for the Mayor and Council argued that the Legislature had no power to appoint the Commissioners, as this was an executive act, and the sixth Article of the Declaration of Rights declared "that the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other, and no person exercising the functions of one of said departments shall assume or discharge the functions of any other." In ruling upon this point the Court held that the power of appointment to office is not, under our system of checks and balances in the distribution of powers, where the people are the source and fountain of government, a function intrinsically executive in the sense that it is inherent in and necessarily belongs to the executive department. The sixth Article of the Bill of Rights, "that the legislative, executive and judicial powers of the government ought to be forever separate and distinct from each other," is not to be interpreted as enjoining a complete separation between these several departments. The design of this article is to engraft the principles there announced, on our system, only as far as comported with free government. The Bill of Rights is not to be construed by itself according to its literal meaning; it and the Constitution compose one form of government and they must be interpreted as one instrument; the former announces principles on which the government about to be established will be based; if they differ, the Constitution must be taken as a limitation or qualification of the general principles previously declared. If the power of appointing officers is given to the Legislature, it may be exercised notwithstanding the sixth Article of the

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<sup>1</sup> Baltimore *vs.* State, 15 Maryland, 376.

Bill of Rights. Section 11 of Article 27 of the Constitution confers on the Executive the appointment of all officers provided for, "unless a different mode of appointment be prescribed by the law creating the office," and under this the Legislature may designate the officers in the law creating the offices.<sup>1</sup>

The appellants further argued that the transfer of the police force from the city government to the Commissioners was unconstitutional, because the charter of 1796 gave Baltimore a local government with all the means necessary for the purposes of government. Among these was a police power to maintain the peace and security of the governed. Furthermore, it was claimed that the Constitution in recognizing the municipal corporation of Baltimore as part and parcel of the organized government of the State, had placed the charter beyond the reach of mere legislative power. In passing on this the Court held that the fact that the Constitution mentions and recognizes the municipal corporation of the city of Baltimore does not make the charter of the city a constitutional charter, so as to place it beyond the reach of legislative power.<sup>2</sup>

In regard to that section in the law prohibiting Black Republicans from holding any office under the Board, the Court held that it was "obnoxious to the objection urged against it, if we are to consider that class of persons as proscribed on account of their political or religious opinions. But we cannot understand, officially, who are meant to be affected by the proviso, and therefore cannot express a judicial opinion on the question."<sup>3</sup> The various other objections urged against the law were all disposed of, and the decision of the lower court in favor of the Commissioners was affirmed. Chief Justice LeGrand delivered a separate concurring opinion going more fully into some of the points passed upon.<sup>4</sup>

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<sup>1</sup> 15 Maryland, 455-461.

<sup>3</sup> *Ibid.*, 468.

<sup>2</sup> *Ibid.*, 462-464.

<sup>4</sup> *Ibid.*, 470.

With the police force in the hands of their opponents, it was evident that the Know Nothings did not stand much chance of success in the next election. In every other part of the State they had been swept out, and only in Baltimore did they still hold their sway. But when the control of the police passed from them, their power in the city fell like a house of cards. They themselves realized this, and it was a question whether they should make a Mayoralty nomination or make a fusion with the Constitutional Union party,<sup>1</sup> which was the successor of the Know Nothings in the border States between the North and South. Most of the members of the party also supported the Constitutional Union party in the national contest, but it was finally decided to make a nomination along the old party line for the Mayoralty.<sup>2</sup> Accordingly, Charles M. Keyser was nominated as the candidate for Mayor.<sup>3</sup> Mr. Keyser, however, refused to accept the doubtful honor, and the Convention reassembled on September 19, and nominated Samuel Hindes.<sup>4</sup> The Reform Committee met on September 28, and nominated Mr. George William Brown for Mayor, and also made nominations for the Council in the various wards.<sup>5</sup>

The campaign was the last fight of the Know Nothings, who had long outlived any definite principles except an endeavor to obtain public office. But while the party had outlived its principles, it had not outlived its resources, questionable though some of them were. In the last year of Know Nothing administration Druid Hill Park had been purchased by the city, and it was arranged to dedicate this great pleasure ground two days before the municipal election with a grand celebration, including the participation of a number of school children.<sup>6</sup> But the lucky star of the

<sup>1</sup> *American*, September 3, 1860.

<sup>2</sup> *Ibid.*, September 6.

<sup>3</sup> *Sun, American*, September 13, 1860.

<sup>4</sup> *Ibid.*, September 19 and 20.

<sup>5</sup> *Ibid.*, September 29.

<sup>6</sup> *Sun*, October 6.

Know Nothings had waned, and on the appointed day the rain upset all the calculations of this great *coup d'état*, and the park was not formally opened until October 19.<sup>1</sup>

As the Know Nothings no longer controlled the police, it was not possible for them to look for any aid in that quarter, either in aiding or in countenancing their skillful manipulations of the ballot box. Accordingly they adopted a device which they calculated would mislead many voters. The name of the reform candidate was George William Brown, and the Know Nothings had a number of tickets printed with the name of William George Brown upon them, and on the day of election his name appeared in the advertising columns of the *American* and *Clipper* as a candidate for Mayor.<sup>2</sup> The notice was brought to the *American* office late at night, just as the paper was going to press, and the trick was overlooked. Otherwise the *American* stated that the notice would not have been inserted.<sup>3</sup> The *Clipper* had the complacency to deny any trick, and stated that the name was all right, and that William George was a citizen of the Fourteenth Ward.<sup>4</sup> The writer has been informed that the latter part of this statement is correct. There is hardly any necessity for comment upon the former.

The trick, however, deceived very few, as the fake candidates received only twenty votes. Each ward had been divided into three election precincts, and the election passed off quietly and orderly. Brown received 17,771 votes to 9,575 for Hindes, and the entire Reform ticket was elected in both branches of the City Council.<sup>5</sup> In the previous year the Know Nothing vote in the city had been 18,194 while that of their opponents was only 5250.

With this election ended the career of the Know Nothings in Maryland, and, indeed, all over the country, for

<sup>1</sup> *Sun*, October 20.

<sup>2</sup> *American, Clipper*, October 10.

<sup>3</sup> *American*, October 11.

<sup>4</sup> *Clipper*, October 11.

<sup>5</sup> *Sun, American*, October 11.



elsewhere the Know Nothing party was only a memory. In the presidential contest of 1860 the Constitutional Union party adopted the "Do Nothing" position of the Know Nothings on the slavery question, but not the rest of the Know Nothing program.<sup>1</sup> Most of the Know Nothings went into the Constitutional Union party, as it still represented the middle path between what seemed to be the extreme parties. In the presidential election of 1860 the vote of the four candidates in Maryland was: Bell (Constitutional Union), 41,760; Breckenbridge, 42,482; Douglas, 5966; Lincoln, 2294. In Baltimore the vote was: Bell, 12,604; Breckenbridge, 14,956; Douglas, 1503; Lincoln, 1083.<sup>2</sup>

In the next year came the war, and everything was chaos. Many of the turbulent spirits who had created so much disorder went into the army and utilized their rude energy in a better cause than roughing elections. Afterwards the Republican party absorbed most of the Know Nothings, the line of descent being Whig, Know Nothing, Consti-

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<sup>1</sup> "WHEREAS, Experience has demonstrated that the Platforms adopted by the partisan conventions of the country have had the effect to mislead and deceive the people, and at the same time to widen the political divisions of the country, by the creation of geographical parties; therefore,

"Resolved, That it is both the part of patriotism and of duty to recognize no political principle other than *the Constitution of the country, the union of the States, and the enforcement of the laws*, and that as representatives of the Constitutional Union men of the country in National Convention assembled, we hereby pledge ourselves to maintain, protect, and defend, separately and unitedly, these great principles of public liberty and national safety, against all enemies at home and abroad, believing that thereby peace may once more be restored to the country, the rights of the people and of the States re-established and the Government again placed in that condition of justice, fraternity, and equality which under the example and Constitution of our fathers has solemnly bound every citizen of the United States to maintain a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."—"Tribune Almanac, 1861," 34.

<sup>2</sup> *Ibid.*, 49.



tutional Union and Republican. Swann, who had been Know Nothing Mayor for four years, first became a Republican, and then went over to the Democrats, being welcomed into the Democratic ranks like a prodigal son, and received the enthusiastic support of many who had bitterly denounced him in former years. Another Know Nothing who became a prominent Democrat was I. Freeman Rasin, the late Democratic boss of Baltimore. Having graduated from the turbulent school of Know Nothing antebellum politics, he has utilized his training in Know Nothing methods with eminent success.

The period of the Know Nothing party in Baltimore will always be looked back to as one of violence and disorder. For this the Know Nothings were not altogether responsible. They were more of a condition than a cause of the disorder. Outside of the police department and the fraudulent methods in use at the elections, the administration of the Know Nothings was good. The finances were well administered, and a progressive policy of municipal improvement was undertaken. Under Swann especially was the financial administration good. He had been president of the Baltimore and Ohio Railroad, and had considerable experience. Under him the various city departments were reorganized and the office of Comptroller was created.<sup>1</sup> Various municipal enterprises, such as the purchase of Druid Hill Park, the construction of a new jail, introduction of the paid fire department, with steam engines, and the police and fire alarm telegraph were instituted or carried to completion. These improvements would probably have come in any event, but it is worth noting that the Know Nothing administration in Baltimore was neither retrogressive nor behind the spirit of the times. A rather unique institution was the so-called "Floating School," established by the Ordinance of May 30, 1855. This was a nautical school to be used by the Board of Trade to train sailors.

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<sup>1</sup> Ordinances, 1857, No. 8. Mayor's Message, 1858, in *Journal First Branch City Council*, 1858, 7.

## VI. CONCLUSION.

We have been considering a period in American history almost unparalleled in violence and bitterness. There has probably been no party in the history of the country more cordially hated by its opponents than were the Know Nothings. Even to-day we find traces of this animus. But on the other hand most of the survivors of the party will speak of it as the grandest party that ever existed. Looking back it seems almost ludicrous to find men seriously thinking that the liberties of America were in danger from the feeble old pontiff who was so soon to have his temporal possessions snatched away by those of his own faith. But there were local provocations which stirred up a justifiable resentment, which, however, soon exceeded all rational limits and sank to the level of bigoted intolerance and proscription. But we must not judge the men of almost half a century ago by the more tolerant and enlightened spirit of the present day. It must be remembered that the Know Nothings existed in a time when William Lloyd Garrison openly burned the Constitution of the United States at Framingham, Mass., and denounced it as "an agreement with hell,"<sup>1</sup> because it recognized the institution of slavery; at a time when Representative Brooke, of South Carolina, could make a cowardly assault upon Senator Sumner in the Senate of the United States while members turned their backs and declined to help the defenseless man, and the assailant was unanimously re-elected by his district, and applauded as a gallant gentleman.<sup>2</sup> The Know Nothing party was a child of the age. It has been made the scapegoat of many evils that were com-

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<sup>1</sup> "Life of Wm. Lloyd Garrison," by his Children, III, 88, 412.

<sup>2</sup> James Ford Rhodes, II, 115, 224.

mon to all the political parties of the time. Nor must it be thought that the disorderly faction represented the majority of the party. The word "Know Nothing" has become largely a synonym for all that is bad in politics, but thousands of worthy citizens who did not all sympathize with the rough methods of the clubs, went into the movement honestly thinking that in it alone rested the salvation of the country.

Several valuable lessons might be deduced from the course of this party. In the first place, the Catholic Church should learn the lesson that the American people will not tolerate any interference with the public school system of the country, nor will they suffer any ecclesiastics to interfere in American politics. On the other hand, the extreme to which this party carried opposition to the Catholic Church should warn Protestants against political tricksters who make political capital out of religious differences. Even to-day we see in our midst an organization which proposes to believe that America, with a great Protestant majority, is in danger from a power which cannot assert political rights in a nation where practically all are of the same faith. Such intolerance and fears were somewhat excusable two generations back; on the eve of the twentieth century they are entirely out of place.

Looking back upon this turbulent era what a contrast does it present to the Nation of to-day. Only within a few years we have seen a presidential campaign in which great interests were at stake: in which great excitement was displayed, but which was decided peacefully and acquiesced in quietly by the people. More recently we have gone through a war which was preceded by incidents which were well calculated to try the patience of the people. But throughout it all there was only a calm self-restraint and reliance in the Government, and men of all shades of opinion stood firm together in its support. The majority of voters of to-day, who calmly go to the polls, and mark their ballots in the little booth, can hardly realize how different this is from the conduct of elections forty years ago. To

one who has read the newspapers of the period, the picture of riot and disorder is almost as vivid (and fresher in mind) than to those who lived through it. We are far from the millennium in our civic life; we have many grave defects and faults which are to be remedied, but we should not despair. The only way to overcome evil is to fight it, and if the last four decades have wrought such a change for the better, what may not the next four decades bring forth?

## APPENDIX A.

### NATIONAL PLATFORM 1855.

1. The acknowledgment of that Almighty Being who rules over the universe—who presides over the Councils of Nations—who conducts the affairs of men, and who, in every step by which we have advanced to the character of an independent Nation, has distinguished us by some token of Providential agency.

2. The cultivation and development of a sentiment of profoundly intense American feeling, of passionate attachment to our country, its history and its institutions; of admiration for the purer days of our national existence; of veneration for the heroism that precipitated our Revolution, and of emulation of the virtue, wisdom and patriotism that framed our Constitution, and first successfully applied its provisions.

3. The maintenance of the union of these United States, as the paramount political good; or, to use the language of Washington, "the primary object of patriotic desire." And hence—

First—Opposition to all attempts to weaken or subvert it.

Second—Uncompromising antagonism to every principle of policy that endangers it.

Third—The advocacy of an equitable adjustment of all political differences which threaten its integrity or perpetuity.

Fourth—The suppression of all tendencies to political division, founded on "geographical discriminations, or on the belief that there is a real difference of interests and views" between the various sections of the Union.



Fifth—The full recognition of the rights of the several States, as expressed and reserved in the Constitution, and a careful avoidance by the general government of all interference with their rights by legislative or executive action.

4. Obedience to the Constitution of these United States as the supreme law of the land, sacredly obligatory upon all its parts and members; and steadfast resistance to the spirit of innovation upon its principles, however specious the pretexts. Avowing that in all doubtful or disputed points it may only be legally ascertained and expounded by the judicial power of the United States.

First—A habit of reverential obedience to the laws, whether national, State or municipal, until they are repealed or declared unconstitutional by the proper authority.

Second—A tender and sacred regard for those acts of statesmanship which are to be contradistinguished from acts of ordinary legislation by the fact of their being of the nature of compacts and agreements; and so, to be considered a fixed and settled national policy.

5. A radical revision and modification of the laws regulating immigration, and the settlement of immigrants, offering the honest immigrant, who from love of liberty or hatred of oppression, seeks an asylum in the United States, a friendly reception and protection, but unqualifiedly condemning the transmission to our shores of felons and paupers.

6. The essential modification of the naturalization laws.

The repeal by the Legislatures of the respective States of all State laws allowing foreigners not naturalized to vote. The repeal, without retrospective operation, of all acts of Congress making grants of land to unnaturalized foreigners, and allowing them to vote in the territories.

7. Hostility to the corrupt means by which the leaders of party have hitherto forced upon us our rulers and our political creeds.

Implacable enmity against the present demoralizing system of rewards for political subserviency, and of punishments for political independence.

Disgust for the wild hunt after office which characterizes the age.

These on the one hand. On the other—

Imitation of the practice of the purer days of the Republic, and admiration of the maxim that “office should seek the man, and not man the office,” and of the rule that the just mode of ascertaining fitness for office is the capability, the faithfulness and the honesty of the incumbent candidate.

8. Resistance to the aggressive policy and corrupting tendencies of the Roman Catholic Church in our country by the advancement to all political stations—executive, legislative, judicial or diplomatic—of those only who do not hold civil allegiance, directly or indirectly, to any foreign power, whether civil or ecclesiastical, and who are Americans by birth, education and training, thus fulfilling the maxim, “Americans only shall govern America.”

The protection of all citizens in the legal and proper exercise of their civil and religious rights and privileges; the maintenance of the right of every man to the full, unrestrained and peaceful enjoyment of his own religious opinions and worships, and a jealous resistance of all attempts by any sect, denomination, or church to obtain an ascendancy over any other in the State, by means of any special privilege or exemption, by any political combination of its members, or by a division of their civil allegiance with any foreign power, potentate or ecclesiastic.

9. The reformation of the character of our National Legislature, by elevating to that dignified and responsible position men of higher qualifications, purer morals, and more unselfish patriotism.

10. The restriction of executive patronage—especially in the matter of appointments to office—so far as it may be permitted by the Constitution, and consistent with the public good.

11. The education of the youth of our country in schools provided by the State, which schools shall be common to all, without distinction of creed or party, and free from any

influence or direction of a denominational or partisan character.

And, inasmuch as Christianity, by the Constitutions of nearly all the States; by the decisions of most eminent judicial authorities, and by the consent of the people of America, is considered an element of our political system, and the Holy Bible is at once the source of Christianity and the depository and fountain of all civil and religious freedom, we oppose every attempt to exclude it from the schools thus established in the States.

12. The American party, having arisen upon the ruins, and in spite of the opposition of the Whig and Democratic parties, cannot be held in any manner responsible for the obnoxious acts or violated pledges of either. And the systematic agitation of the slavery question by those parties having elevated sectional hostility into a positive element of political power, and brought our institutions into peril, it has, therefore, become the imperative duty of the American party to interpose for the purpose of giving peace to the country and perpetuity to the Union. And as experience has shown it impossible to reconcile opinions so extreme as those which separate the disputants, and as there can be no dishonor in submitting to the laws, the National Council has deemed it the best guarantee of common justice and of future peace to abide by and maintain the existing laws upon the subject of slavery, as a final and conclusive settlement of that subject, in fact and in substance.

And, regarding it the highest duty to avow their opinions upon a subject so important in distinct and unequivocal terms, it is hereby declared as the sense of this National Council that Congress possessed no power under the Constitution to legislate upon the subject of slavery in the States, where it does or may exist, or to exclude any State from admission into the Union because its Constitution does or does not recognize the institution of slavery as a part of its social system, and expressly pretermittting any expression of opinion upon the power of Congress to establish

or prohibit slavery in any territory, it is the sense of the National Council that Congress ought not to legislate upon the subject of slavery within the territory of the United States, and that any interference by Congress with slavery as it exists in the District of Columbia would be a violation of the spirit and intention of the compact by which the State of Maryland ceded the district to the United States, and a breach of the national faith.

13. The policy of the Government of the United States, in its relations with foreign governments, is to exact justice from the strongest and do justice to the weakest, restraining by all the power of the Government all its citizens from interfering with the internal concerns of nations with whom we are at peace.

14. This National Council declares that all the principles of the order shall be henceforth everywhere openly avowed, and that each member shall be at liberty to make known the existence of the order, and the fact that he himself is a member, and it recommends that there be no concealment of the places of meeting of subordinate councils.

## APPENDIX B.

### NATIONAL PLATFORM, 1856.

An humble acknowledgment to the Supreme Being for his protecting care vouchsafed to our fathers in their successful Revolutionary struggle, and hitherto manifested to us, their descendants, in the preservation of the liberties, the independence and the union of these States.

2. The perpetuation of the Federal Union, as the palladium of our civil and religious liberties, and the only sure bulwark of American independence.

3. Americans must rule America, and to this end, native-born citizens should be selected for all State and municipal offices, or government employment, in preference to all others; nevertheless,

4. Persons born of American parents residing temporarily abroad should be entitled to all the rights of native-born citizens; but

5. No person should be selected for political station (whether of native or foreign birth) who recognizes any allegiance or obligation of any description to any foreign prince, potentate or power, or who refuses to recognize the Federal and State Constitutions (each within its sphere) as paramount to all other laws as issues of political action.

6. The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good-will between the citizens of the several States, and to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State with the affairs of any other State.

7. The recognition of the right of the native-born and naturalized citizens of the United States, permanently residing in any territory thereof, to frame their Constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution, with the privilege of admission into the Union whenever they have the requisite population for one representative in Congress. Provided always, that none but those who are citizens of the United States, under the Constitution and laws thereof, and who have a fixed residence in any such territory, ought to participate in the formation of the Constitution or in the enactment of laws for said territory or States.

8. An enforcement of the principle that no State or territory ought to admit others than citizens of the United States to the right of suffrage, or of holding political office.

9. A change in the laws of naturalization, making a continued residence of twenty-one years, of all not hereinbefore provided for, an indispensable requisite for citizenship hereafter, and excluding all paupers, and persons convicted of crime, from landing upon our shores, but no interference with the vested rights of foreigners.



10. Opposition to any union between Church and State; no interference with religious faith or worship, and no test-oaths for office.

11. Free and thorough investigation into any and all alleged abuses of public functionaries, and a strict economy in public expenditures.

12. The maintenance and enforcement of all laws constitutionally enacted, until said laws shall be repealed, or shall be declared null and void by competent judicial authority.

13. Opposition to the reckless and unwise policy of the present administration in the general management of our National affairs, and more especially as shown in removing "Americans" by designation and conservative in principle from office, and placing foreigners and ultraists in their places; as shown in a truckling subserviency to the stronger and an insolent and cowardly bravado towards the weaker powers; as shown in reopening sectional agitation by the repeal of the Missouri Compromise; as shown in granting to unnaturalized foreigners the right of suffrage in Kansas and Nebraska; as shown in its vacillating course on the Kansas and Nebraska question; as shown in the corruptions which pervade some of the departments of the Government; as shown in disgracing meritorious naval officers through prejudice or caprice; and as shown in the blundering mismanagement of our foreign relations.

14. Therefore, to remedy existing evils, and prevent the disastrous consequences otherwise resulting therefrom, we would build up the "American party" upon the principle hereinbefore stated.

15. That each State Council shall have authority to amend their several Constitutions, so as to abolish the several degrees, and institute a pledge of honor instead of other obligations for fellowship and admission into the party.

16. A free and open discussion of all the political principles embraced in our platform.



THE LABADIST COLONY  
IN  
MARYLAND



SERIES XVII

No. 6

JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE  
HERBERT B. ADAMS, Editor

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History is past Politics and Politics are present History.—*Freeman*

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THE LABADIST COLONY  
IN  
MARYLAND

BY  
BARTLETT B. JAMES, Ph.D.

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# The Labadist Colony in Maryland.

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## INTRODUCTION.

This monograph treats of what was practically a lost chapter in the early history of Maryland. In the year 1864 Mr. Henry C. Murphy, then corresponding member of the Long Island Historical Society, discovered in an old book store in Amsterdam a manuscript which proved to be the journal of two commissioners, sent out by a peculiar religious body, that had originated in a defection from the Reformed Church of The Netherlands, to discover in the new world a suitable place for the establishment of a colony that should perpetuate their principles.

Prior to the discovery of this document, it was indeed traditionally known that a peculiar sect of people, called Labadists, had settled on the estates of Augustine Herrman in the first half of the seventeenth century. Nor had the fact only a traditional basis, for there were indeed fragmentary references to these people in the early records of the State and in historical manuscripts, as well as occasional isolated notices in contemporary writers. But, withal, the information was so meager as to preclude the possibility of a proper conception of their place or importance in the early history of the State.

Mr. Murphy translated and published the manuscript in the "Memoirs of the Long Island Historical Society." He accompanied it with an introductory sketch of the rise and development of the Labadists sufficient to assign it to its proper place among the historical documents of the State. Since Mr. Murphy's publication, the "Bohemia Manor"

has received the attention of two persons, whose family affiliation with its history renders them peculiarly competent to undertake its recital. I refer to General James Grant Wilson, who delivered an address on "An Old Maryland Manor," before the Maryland Historical Society, in 1890, and another address before the New Jersey Historical Society in the same year, on "Augustine Herrman, Bohemian, 1605-1686," besides an extended sketch of the manor, in the *Dutch-American Magazine*, for 1886; and the Rev. Charles Payson Mallary, who issued a monograph on "The Ancient Families of Bohemia Manor," in 1888, in the publications of the Delaware Historical Society. While treating exhaustively of the history of "Bohemia Manor" proper, neither of these gentlemen have contributed anything to that important phase of its history, a study of which is contemplated in the present monograph. It seems unfortunate that an important chapter in the religious life of colonial Maryland should so long have failed of adequate treatment, a failure due, however, to the unavailability of material. There is indeed no lack of materials for a proper study of the Labadists, but such materials have been inaccessible because, with few exceptions, they were not to be found in this country. The writer has succeeded in obtaining from abroad a number of the contemporary sources and authoritative works bearing upon the subject, and has sought to embody such research in a paper designed to set forth a history of the rise and development of Labadism, and of that system of doctrine, religious polity and administration, which was so faithfully reproduced by the colony beyond the seas. By availing himself of the materials already at hand it has been possible to write a history of the Labadist settlement on "Bohemia Manor," such as was previously impracticable.



## CHAPTER I.

### DOCTRINES OF THE LABADISTS.

Labadism was a late product of that spirit of reform which inaugurated the Protestant systems. Theologically, it belonged to the school of Calvin. In its spirit, however, it was in the direct line of that vein of mysticism which is met throughout the history of the Christian Church. In the mode of life which it prescribed, it was conformable to that sentiment of ideal brotherhood, which, though not distinctively a Christian conception, has been ever a favorite mode of representing the fellowship of Christian believers.

Its theology was not distinctive enough to differentiate it from the Reformed Church of The Netherlands, of which it was an off-shoot. But there were certain individual characteristics in Labadism sufficient to give it a character quite distinct from that of the established church. Yet, as will be noticed later, these distinctive elements in Labadism embraced no principle vital enough to insure their perpetuation. At best, Labadism was a sporadic effort to effect a reform in the established church, to infuse a sentiment of deeper fervor in its formal administrations, and to awaken in the believer devoutness of spirit by enjoining austerities of life, abnegation of the flesh, and renunciation of the world.

Though, like most profoundly spiritual movements, it was influenced by its millennial hopes, yet it would be an error to place Labadism in the category of those Adventist sects which have a brief existence, as prophets of the coming kingdom, only to decline when the time of the supposed Advent has passed by. These millennial hopes were not a part of the system itself, but only an expression of that spirit of profound pietism which, in response to the

announcement, "Behold, I come quickly!" yearningly responds, "Even so, come, Lord Jesus!"

The influences which shaped Labadism must be sought in the theological controversies of the day—controversies which, as one of the Dutch writers expresses it, "warmed the head and cooled the heart." The Cartesian and Aristotelian schools of philosophy found their counterparts in the Church in the adherents respectively of John Kock and Gysbert Voet. The Cocceian was the more influential, the Voetian the more evangelical. The Labadists were a radical development in the Voetian party, until their separation from the Reformed Church. Labadism emphasized the vigorous protest of the Voetian party against the moral laxity and spiritual lassitude countenanced by the established Church.

The theology of Labadism may be briefly summarized from the catechism prepared by du Lignon, a prominent member of the Labadist community, as well as from other contemporary sources, to which the writer has had access.<sup>1</sup>

The progressive plan of God for the salvation of the race was embraced in four covenants. The first was one of nature and of works. This was a race covenant and was based on the laws of God as implanted in human nature. Its infringement by Adam, produced from the inexhaustible stores of God's goodness, the second covenant, "more excellent and holy than the first"—that of grace. During the continuance of this race covenant, which extended up to the coming of Christ, and which provided for the salvation—through the merits of the promised Redeemer—of all who came within its provisions, there was established a special covenant with Abraham. The benefits of this covenant extended to all his posterity, and to those who became his spiritual children by entering into his belief. Its sign was

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<sup>1</sup> P. du Lignon: "Catechismus of Christelyke onderwyzyng," etc., pt. III. Koelman, J.: "Historisch Verhael nopende der Labadisten Scheuringh," Preface, v.

circumcision, and the salvation of those who received it was no longer conditionally provided for under the general covenant of grace, but was assured through especial calling and election. This covenant was superseded by a special covenant with Moses. It is described by du Lignon as "typical, ceremonial, literal and entirely external; hence, only designed as temporary in order to set forth the grace and truth of Christ by symbols."<sup>1</sup> The Israelites were united to God by the covenant of grace and the outward covenant as well, but all other races could be united to God only by the outward covenant. But this ceremonial covenant was only intended to prepare the way for the reception of Christ. As Christ had been manifested in the time of the patriarchs by sacraments, promises, visions and the communication of his spirit, so now under the covenant with Israel he was revealed by fuller and more frequent prophecies, by sacraments and shadows, by revelations and appearances, and by the outpouring of the spirit.

But the fourth and last covenant was the consummation of the revelation of Christ and of the plan of salvation. It differed from the covenant entered into with Adam in that it was not hidden under a cloak of ceremonials. It was also a covenant of fulfillment instead of one of promise; it was clearer, holier and more exalted than its predecessors. Faith was its condition, obedience its sign. It included in its gracious provisions only the elect. The heart was conceived of as a tablet on which was inscribed the law of love. Pardon, holiness and salvation were its fruits. This covenant placed the renewed spirit, which it provided in contradistinction to the works of the law. The new spirit made possible a new life. The symbols of this covenant as instituted by Christ were baptism and the Lord's Supper. When the Lord had sealed this covenant by his death and ascen-

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<sup>1</sup> "Catechismus," III, 16. A. M. van Schurman: "Eucleria Seu Melioris Partis Electio," p. 9, v. v. "Historisch Verhael," etc., p. 252. Yvon: "De regten aard van't oude en nieuwe verbond."

sion, he sent the Holy Spirit to lead into it his elect and to keep them under its provisions.

The Holy Spirit is conceived of as operating through the Scriptures and the administration of the sacraments, as well as by the more direct way of immediate communication to the souls of the elect or faithful, his presence in the heart being indicated by the conduct of the believer. The Church was to be a community of the elect kept separate from the world by its pure teachings. This Church was to be universal and holy, comprehending all believers; the love of the truth as it is in Christ Jesus, being the common bond. Outside of this Church there was no safety, and from it there could be no severance.<sup>1</sup> It was to be distinguished by two great periods: the one of sorrow, conflict, work and crosses; the other of triumph and honor, the millennial reign on earth of the Church triumphant.<sup>2</sup>

Those who were uncircumcised, impure, and abominations of desolation<sup>3</sup> were represented to have crept into the fold, but with such the members of the true spiritual Church were to have no communion. To this doctrine of the separation of the believer from the unbeliever is directly attributable the communal mode of life of the Labadists.<sup>4</sup> In its rigid application it made it the duty of husband and wife to separate if either were not of the elect Church. The elect Church came to be synonymous with the Church of the Labadists, so that a Labadist could not be lawfully united to one who was outside of his belief. This necessary consequence of the doctrine of the separation of believers and unbelievers was embodied in an explicit tenet, as follows: "Beide personen begenadigd en wedergeboren zyn, omdat

<sup>1</sup> "Het Heylige voor de Heyligen," p. 724. "Eucleria," p. 152. J. de Labadie: "Le Héraut du grand Roi Jésus."

<sup>2</sup> H. van Demeter, "Saatste monarchie," in his work: "De opend van Jésus Christ."

<sup>3</sup> "Eucleria," pp. 196, 202.

<sup>4</sup> "Catechismus," III. De Labadie: "Wedgeboren of geen Christen."

anders het huwelyk niet heilig kan zyn en een geloovige moet geen juk aandoen met een angeloovige.”<sup>1</sup>

Another important element of the new covenant was freedom from the dominion of law. The only law to which the believer was subject was the new law of Spirit and of love. The effect of this doctrine as applied by the Labadists, was to nullify the ceremonial system of the Old Testament, and to reduce to a position of incidental importance all its specific moral injunctions. With this conception, the law of Sabbath observance lost its importance. As a part of the old Jewish system it failed of honor among them. But, in effect, the Labadists did observe the Sabbath as a rest day, not on conscientious grounds, but in consideration of the scruples of others; in other words, so that they might not render themselves legally amenable to the civil authorities<sup>2</sup> for its infraction.

As none save the true believers were included in the new covenant, so evidently no others had a right to the signs and seals of this covenant. This was the basis of the Labadists' doctrines concerning the Lord's Supper and baptism. Baptism, according to the Labadist formula, insured the washing away of sins and the sealing of a new covenant of grace with God.<sup>3</sup>

Infant baptism was discountenanced, because it could not be told beforehand whether the child would grow up as the elect of God in grace or increase in sins. Yet the baptism of the children of believers was not actually proscribed by the Labadists. In lieu of infant baptism, the child was brought before the Church, presented, consecrated and blessed.

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<sup>1</sup> Both persons must be pardoned and regenerated because otherwise the marriage cannot be considered holy; and a believer may not assume the yoke with an unbeliever.—“Catechismus,” III. Yvon: “Le Mariage Chrétien.”

<sup>2</sup> “Eucleria,” p. 106, v. v.

<sup>3</sup> Yvon: “Leer van den h. doop en deszelfs zuivere bediening,” etc.



The Lord's Supper also was limited to those who were beneficiaries of the new covenant.<sup>1</sup> Even such as they could not partake of it when conscious of sin. Indeed they affirmed that it were better that the sacrament should not be administered at all, than that one unworthy person should partake of it.

In addition to the sacraments and preaching, the new covenant provided for the study of the Scriptures as a medium of communication between the Holy Spirit and the Church. This was strongly insisted on by the Labadists. But yet, they insisted quite as strongly, that while the reading of the Bible was a medium of communication for the Holy Spirit, the Spirit was not limited to any medium, and even though the Bible was not read, the believer could not fail to be instructed immediately by the Spirit in all Christian doctrine. The effect of this teaching was to cause the place and importance of the Bible to be underestimated.<sup>2</sup> Yet the preaching of the Word was obligatory on the part of the teachers, and the speaking brothers and sisters were also commissioned to interpret and to apply it to their hearers.

Labadism was essentially a mystical form of faith, teaching supreme reliance upon the inward illumination of the Spirit. And yet the works of the Labadists disclose a high form of Christian faith and aspiration. Whatever its defects, and the opportunities for hypocritical pretence which it offered, Labadism was yet a standard of faith and conduct which no one could conform to without at the same time exemplifying high Christian graces. True, Jean de Labadie, the founder of the faith, was a profound mystic, seeing visions and hearing voices, receiving revelations as to his course and conduct, and thereby discrediting himself with many intelligent admirers of his fearless eloquence and reforming zeal.

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<sup>1</sup> Yvon: "Het heylige voor de heyligen."

<sup>2</sup> "Declar. fidei," p. 228.

## CHAPTER II.

### GOVERNMENT OF THE LABADISTS.

In its government, the Church of the Labadists was a strongly centralized church, all mission communities being directed from the Mother Church at Weiward.<sup>1</sup> Pierre Yvon, the successor of de Labadie, was regarded as the Supreme Father of the whole Church. With him were associated a number of governors or superintendents, who met in an assembly for the transaction of business of importance. The superintendents comprised the speaking brothers or ministers and the more eminent of the women. These constituted a class of preachers, teachers and Bible readers, who had charge also of the instruction of the youth. Sometimes there was held a general assembly, including all the members of the community above the rank of novice. The superintendents constituted an advisory council to the supreme head of the Church. It was this superior council which received the reports from the heads of the various daughter churches, and it was this council that passed upon all recommendations for elevation to the rank of full brother or sister of those who had been received into any of the communities as novices. Thus the community in Maryland was kept under the direct controlling influence of the Mother Church.

At the head of the Maryland community was Bishop, or Superintendent Sluyter. Unquestioning obedience to those placed over them was rigidly exacted of every member of the community. Dittleback (who had himself been a Labadist, and had severed his connection with the Church)

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<sup>1</sup>Du Lignon: "Catechismus," III, chap. 9-13.

assures us, in his "Verval en Val Labadisten," that Sluyter arrogated to himself and his wife absolute authority in the Maryland community, without regard to the provision in the Labadist system for an assembly of the brothers and sisters of the higher order.

Each member of the community had his or her assignment of work and duties. Order and system of the most admirable character prevailed in all departments of the community.<sup>1</sup> Some were in charge of the laundry, others of the cooking; others again were nurses and physicians. To such minute detail did the system extend that Dittleback assures us that a register was kept of the number of pieces of bread and butter consumed at a meal. The different families had dwellings according to their needs, though, by partitioning off the larger compartments, strict economy of space was observed. All rooms were at all times open to the pastors and to those who held oversight in their name. Those who joined the community resigned into the common stock all their possessions. Individuality in attire was suppressed. "The haughtiness of the worldly spirit must be subdued" was a tenet far-reaching and well understood by each member of the community.<sup>2</sup> Degrading tasks were assigned those suspected of pride. Samuel Bownas, a minister of the Society of Friends, in the record of his visit to the community gives a more particular account of their table discipline than can be found elsewhere. He says: "After we had dined we took our leave, and a friend, my guide, went with me and brought me to a people called Labadists, where we were civilly entertained in their way. When supper came in, it was placed upon a large table in a large room, where, when all things were ready, came in at a call, twenty men or upwards, but no women. We all sat down, they placing me and my companion near the head of the table, and having passed

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<sup>1</sup> H. Van Berkum: *Labadie en de Labadisten*, part II, p. 113.

<sup>2</sup> "Catechismus," III, chap. 9.

a short space, one pulled off his hat, but not so the rest till a short space after, and then they, one after another, pulled all their hats off, and in that uncovered posture sat silent uttering no word that we could hear for nearly half a quarter of an hour, and as they did not uncover at once, neither did they cover themselves again at once, but as they put on their hats fell to eating not regarding those who were still uncovered, so that it might be ten minutes time or more between the first and last putting on of their hats. I afterwards queried with my companion as to their conduct, and he gave for an answer that they held it unlawful to pray till they felt some inward motion for the same, and that secret prayer was more acceptable than to utter words, and that it was most proper for every one to pray as moved thereto by the spirit in their own minds. I likewise queried if they had no women amongst them. He told me they had, but the women ate by themselves and the men by themselves, having all things in common respecting their household affairs, so that none could claim any more right than another to any part of their stock, whether in trade or husbandry; and if any one had a mind to join with them, whether rich or poor, they must put what they had in the common stock, and afterwards if they had a mind to leave the society they must likewise leave what they brought and go out empty-handed. They frequently expounded the Scriptures among themselves, and being a very large family, in all upwards of a hundred men, women and children, carried on something of the manufacture of linen and had a large plantation of corn, flax and hemp, together with cattle of several kinds." The custom of beginning the meal by chanting a psalm, which was the practice at Weiward, seems to have fallen into disuse in the Maryland community. In other respects, however, the observations of Samuel Bownas agree very accurately with what we know to have been the custom of the Mother Church.

The following extract from the "Verval en Val Laba-

disten," by Peter Dittleback, affords an instructive sidelight upon the life of the Maryland Labadists, particularly as to their views of marriage. The writer says: "A friend of mine arriving from Sluyter's community has made revelations to me with regard to their doctrine of marriage.

\* \* \* He went there with a full surrender of himself, family, goods and effects. His penitence, Sluyter wrote, was unusual. The letter was read to us at Weiward and we rejoiced exceedingly over his conversion; but now since he has left them, they charge and blacken him with sin. He was compelled not only to submit to the mortifications imposed by Sluyter, but also to those of Sluyter's wife, who had shortly previous arrived from Weiward and took a little hand in mortifying. What they thought of at night had to be done somehow during the day. Indeed they made it so sharp that a brother who had been sent over from Weiward would remain with them no longer, but returned to Weiward, where also he was humiliated. This abasing cannot continue a long time among these people. My friend's wife had five small children whom she brought with her to this new cloister discipline. When she kissed them she was rebuked for showing so naturally her fleshly cleavings.

\* \* \* I could tolerate Weiward in some degree, that there should be no fire in the cells, although it is cold there in the winter, because turf is dear, and so many families could not be supplied unless at great expense, but this friend told me that Sluyter would not allow them to have any fire in order to harden them and to mortify and subdue the sins of the body, while there was so much wood there that they were obliged to burn it in the fields to get it out of the way; but Sluyter had his own hearth well provided night and day. My friend had never suffered more cold and hardship than among these people, and he frequently made a fire in the woods in order to warm himself. His wife had no mind to remain in this cloister under such an abbess, who censured her at the time she had a child nursing at her breast, because she drank too much at the table, and when afterwards she



drank less, because she left off too soon. As they saw these things did not please his wife they began to talk to him more plainly and freely concerning marriage, arguing that *hell was full of ordinary marriages*, saying, among other things, these abominable words: 'It was for God alone to judge whether he cohabitated with a harlot or with his wife.' The wife fearful lest they should take her husband away from her, of which there had been at that place more than one instance, sought very affectionately to speak to her husband privately, and to exhort him to steadfastness, as she had come away with him from Amsterdam and was there in a strange land with her little children. They had succeeded, however, with him so far that he began to keep himself away from her. His wife being very angry about it, the abbess jeeringly asked her if she could not be one night without her husband? The husband finally began to attack their doctrine about marriage out of the Scriptures, showing that the apostles had not taught so. He asked Sluyter what marriage *he* came of? Whether his parents were not married in the ordinary way? They began to wonder at this man's opposing them out of the Scriptures, until finally he told them soundly that all connection between him and them was at an end. They were confounded, and went at him in another way, saying we have several times spoken about marriage, which is a delicate subject, but we must also say to you that when there are any who cannot conduct themselves that way in the marriage relation, we will tolerate them. But how tolerate, as a brother? No; but only as regards community of goods and living together. This was a new trick to get him in; but they had already blabbed too much. They did not look favorably upon his going back to Holland, and attempted to frighten him from it, asking him if he were not afraid to trust himself on the sea, and fall from one pit into another? But he persevered, and the Lord helped him and his, in an especial manner, to reach the Father-land in safety."<sup>1</sup>

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<sup>1</sup> "Verval en Val Labadisten," Letter III.

## CHAPTER III.

### LABADIE AND THE LABADISTS.

"Few theologians," says Dr. J. D. T. Schotel, in his "Anna Maria van Schurman," "have ever lived, concerning whom their contemporaries have spoken and written with deeper contempt and more unstinted praise than Jean de Labadie." But with all the diversities of opinion concerning him, there was a general consensus of opinion as to his wide and varied learning and his matchless pulpit eloquence, while his sermons and treatises remain to-day as evidences of his theological grasp.

He was born at Bordeaux, in France, February 10, 1610.<sup>1</sup> His parents entered him at the Jesuit College, where later he became a member of the lower order of the priesthood. His mystical views and eccentricities finally made him objectionable to the Jesuits. For this reason, as many writers believe, though ostensibly on the ground of ill-health, he secured his release from the order and became a secular priest. His genius and talents had led the Jesuits to tolerate him until his attacks upon salient features of the Catholic Church,<sup>2</sup> added to his fanaticism, made him altogether undesirable. He considered himself immediately inspired in his

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<sup>1</sup>Chaufepie, "Nouveau Dictionnaire Historique et Critique." Some of the Dutch writers give his birth as February 13. Dittleback declares that he was an illegitimate son of Henry IV, whom he greatly resembled. The more general and credible view is that his father was a French noble, Chauffepie. Nicéron, Bâsnage, in his "Annals des Provinces Unies," p. 52, Spener, *et al.*, hold that the father of Labadie was a soldier of fortune, who rose to be Governor of Bourg.

<sup>2</sup>J. de Labadie: "Grace and the Efficacious Vocation." Mollerus: "Cimbria Littera."

utterances.<sup>1</sup> He attracted the attention of P. Gondran, second general of the oratory of Paris, and received a call to that city, the whole body of the Sarbonne uniting in the call.<sup>2</sup> The fame he acquired there, extended beyond the borders of his own country.

Jesuitical jealousy persecuted him with stories of gross immorality<sup>3</sup> and caused him to leave Paris for Amiens.<sup>4</sup> Here he had the good fortune to come under the notice of the courtiers of Louis XIII, who recommended him to the good offices of their sovereign and Cardinal Richelieu. Until the death of the latter he was safe from attack.<sup>5</sup> At Paris he had united with the Jansenists and had been unsparing in his crusade against the Jesuits; but not alone against them, for in a preaching tour throughout Picardy, he had severely arraigned the Catholic Church at large.

His declared intention was to reform the Church, and he conducted his services after what he considered the apostolic model.

On the death of Richelieu and the succession of Cardinal Mazarin, the Jesuits obtained an order of the Court for the arrest of Labadie, who was saved its execution by the death of the King. In 1645 he was cited to appear at Court along with his friend the Bishop of Amiens. He was sentenced to perpetual imprisonment, which sentence was modified on appeal from the Assembly of the Clergy of France, then in session. He was ordered to renounce his opinions and to refrain from preaching for a period of

<sup>1</sup> "Déclaration de la Foi," p. 84; "Historisch Verhael nopens Labadisten Scheuringh," p. 109.

<sup>2</sup> "Déclaration de Jean de Labadie," p. 122.

Dutch historians discredit these stories; many French writers affect to believe them.

<sup>4</sup> Chaufepie says: "One is not able to understand the motives that prompted Labadie to leave Paris," but Labadie seems to make it clear in his "Déclaration," p. 122-123.

<sup>5</sup> Mollerus, p. 36: "Déclaration," 124, *et seq.*

years.<sup>1</sup> During a second forced retirement,<sup>2</sup> he obtained and read a copy of "Calvin's Institutes," which had a determining influence on his after-career. The result of his solitary reflections is summarized in these words: "This is the last time that Rome shall persecute me in her Communion. Up to the present I have endeavored to help and to heal her, remaining within her jurisdiction; but now it is full time for me to denounce her and to testify against her."<sup>3</sup>

In 1650 he proceeded to the Château of the Count of Tavas where he adjured his former faith, adopted that of the Calvinistic system, and was later ordained a Protestant minister. The reception of the famous priest was heralded as the greatest Protestant triumph since the days of Calvin.<sup>4</sup>

Montauban, Orange, and Geneva were the scenes of his labors. He declined to consider many splendid overtures for a renewal of his Catholic allegiance.<sup>5</sup> At the Protestant center of Geneva, his services were attended by persons from all parts of France, Holland, Switzerland, The Netherlands and England. Among his converts were Pierre Yvon and Du Lignon, both prominent in the later history of Labadism; also Abraham van Schurman and his sister Anna Maria, who was considered the foremost literary woman of her day.<sup>6</sup>

De Labadie found the Protestant Church also in need of a reformer, and addressed himself zealously to the work. Voetius, Essenius and Lodenstein, prominent theologians of Utrecht, whither Labadie had been called through the influ-

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<sup>1</sup> De Labadie: "Traité de la Solitude Chrétienne."

<sup>2</sup> "Cimbria Littera," p. 37.

<sup>3</sup> Schotel: "Anna Maria van Schurman," p. 160.

<sup>4</sup> Among the treatises he published at this time were the "Déclaration de la Foi" and the "Pratique des Oraisons mentale et vocale."

<sup>5</sup> "Nouveau Dictionnaire," etc., Article, Labadie.

<sup>6</sup> Those unfamiliar with the famous "Mithradates of the Seventeenth Century" are referred to the following sources: "Nouveau Dictionnaire Historique et Critique," Article, Schurman. Schotel: "Anna Maria van Schurman." Tschackert: "Anna Maria von Schurman."

ence of Anna Maria van Schurman,<sup>1</sup> were not altogether favorably impressed with him. To them he was not only the brilliant divine, but also an irresponsible visionary, not only the eminent theologian, but an arrogant egotist. Hence his stay at Utrecht was short. At Middleburg, Zeeland, his previous successes were repeated. Among his converts was the Ch. de Rochefort.<sup>2</sup> Such an aggressive personality dominated by a sincere conviction of a call to attempt a great work of reform in the Church could not but eventually antagonize the established ecclesiastical order. Such was the case. He became embroiled with the ecclesiastical and civil authorities and was formally deposed from the ministry.<sup>3</sup> In this position he felt the alternative thrust upon him of founding an independent church, which should illustrate the pure principles and practices of the Christian faith, as he conceived them. Being driven out of Middleburg, he established at Veere, a church which he styled the Evangelical.<sup>4</sup> The States of Zeeland again ordered him to *move on*. After a demonstration on the part of the burghers which nearly precipitated an armed conflict, Labadie removed to Amsterdam, where he had an interval of peace, and an opportunity to establish a communal society, theories of which had always been cherished by Labadie.<sup>5</sup>

The Church at Amsterdam grew and prospered. Overtures of union were received from various sectaries, notably the Society of Friends, all of which Labadie declined to consider.<sup>6</sup> Labadism as an independent ecclesiastical sys-

<sup>1</sup> Schotel: "Anna Maria van Schurman," p. 167.

<sup>2</sup> The eminent cartographer.

<sup>3</sup> Ypey en Dermout: "Geschiedenis der Nederlandsche Hervormde Kerk," vol. III, p. 88, note 128; vol. II, note 751. "Historie curieuse de la vie, Sr. Jean Labadie," p. 22, *et seq.* "Nouveau Dictionnaire," Article, Labadie. "Historisch Verhael nopens der Labadisten Scheuringh," 2d edition, 1770, pp. 14, 15.

<sup>4</sup> De Labadie: "Déclaration Chrétienne," etc. "Historisch Verhael," etc., p. 15.

<sup>5</sup> A. M. à Schurman: "Eucleria Seu Melioris Partis Electio," p. 147.

<sup>6</sup> "Nouveau Dictionnaire," Article, Labadie.



tem became the subject of a great deal of polemical writing on the part of its founder, his friends and his adversaries.

After a long period of uninterrupted and peaceful development, some disorders occurring at their services furnished a reason for the civil authorities to place such restrictions upon the society as practically to cripple the Church. In this emergency, the Princess Elizabeth, daughter of Frederick the Elector Palatine and King of Bohemia, who was a friend of Anna Maria van Schurman, became their patroness. She tendered them the Abbey of Herford, in Westphalia, of which she was abbess.<sup>1</sup> But here also they were denied a permanent asylum. Their immediate offense was certain excesses which were indulged in by some of their number, and which resulted in the withdrawal of many of the more sober and intelligent members of the community.<sup>2</sup>

The Princess being ordered by the Imperial Diet to cause the removal of the Labadists from Herford, the whole company sorrowfully embarked for Altona, Denmark, in 1672. Here Labadie died two years later. His death evoked estimates of his work and worth from high ecclesiastical sources and it is significant to note that the general expression was in a high degree laudatory.

His evident fanaticism and strong personal ambition were recognized and deplored, but his bold and fearless attacks upon immorality and upon lassitude in the Church, had an awakening influence upon the ecclesiastical organization, which long survived him. Indeed, the Dutch historians are disposed to regard Labadie's chief work the leavening of the old lump, by the many hundreds of his converts who remained in connection with the Reformed Church, and the Labadists after Labadie who were re-

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<sup>1</sup> "Eucleria," pp. 182-184.

<sup>2</sup> On one occasion of the celebration of the Lord's Supper, a spiritual dance was indulged in by men and women promiscuously, with the accompanying excesses of indiscriminate kissing and embracing. "Historisch Verhael nopens der Labadisten Scheuringh," p. 73, *et seq.*

ceived back into the Reformed Communion upon the disintegration of their own society. Pierre Yvon succeeded to the position of Father of the community. The problem of properly provisioning a large community led the Labadists to remove to Weiward, in Friesland, where they became established in an estate called Thetinga or Waltha House, which was tendered to them by the three daughters of Francis Aarsen, Lord of Sommeldyk. There in the depths of a thick grove of stately trees they lived in rigid accordance with the practices which had been left them by their late lamented leader for the regulation of their religious lives. From the simple people of the neighboring hamlet they received the name of Bosch-lieden, "people of the woods."<sup>1</sup>

If communal Labadism was born at Amsterdam, it was at Weiward that it attained its full measure of strength, declined and died. For more than half a century this place was the seat of the new Church, and from it jurisdiction was exercised over the few feeble communities planted at other places. From Weiward also proceeded the colonists who settled in Maryland, and from Weiward proceeded the voice of authority that controlled these colonists.

At Weiward the Labadists were still subjected to ecclesiastical persecution. Synod after synod furnished opportunities for forensic declamation against them on the part of ill-disposed ministers.<sup>2</sup> The Estates of the Provinces, however, maintained their tolerant attitude towards the oft-persecuted sect.

The return of the Labadists to The Netherlands had been marked by large accessions to the community. Among those received at this time was Peter Dittleback, the translator into Dutch of Anna Maria van Schurman's "Eucleria," and the author of the work, entitled "Verval en Val Labadisten," to which reference has been made.

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<sup>1</sup> "Geschiedenis der Nederlandsche Hervormde Kerk," note 149.

<sup>2</sup> "Acts of the Synod of Friesland for the Year 1675," Article 44.

## CHAPTER IV.

### COLONIZATION IN AMERICA.

Two distinct sets of forces were operating to link Maryland with a movement which, though modest in its local development and influence, is yet recognized by Dutch writers as one of the most significant developments in the Reformed Church of The Netherlands. Having considered the history of Labadism prior to its planting in Maryland, and having studied the doctrines and practices which the Maryland Labadists held in common with the mother community, we must now notice the course of events which gave the name "Labadie Tract" to the nomenclature of the State.

Whatever may be the theories concerning the source and motives of religious toleration in Colonial Maryland, certain it is that where religious toleration has been practiced the result has been the attraction or development of sects reflecting the various shades of religious opinion. Whether or not Maryland's attitude in this respect attracted the Labadists to her shores, it is a fact that their experience of repeated persecutions in Europe, had led them to turn their eyes longingly towards the New World, in the hope that they might there discover a haven of refuge, where they might practice the principles of their faith without let or hindrance.

The particular circumstances which favored the settlement of the Labadists in Maryland lead to a consideration of the manorial grant of Lord Baltimore to one Augustine Herrman;<sup>1</sup> for it was upon the lands thus granted that the settlement of the Labadists was made.

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<sup>1</sup>There are various spellings of the name, and on these spellings hinges the controversy of Herman's nativity, the Germans claiming him for themselves and asserting that Bohemia was his adopted country, while the Bohemians claim that he was a native of Prague.

Augustine Herrman, "first founder and seater of Bohemia Manor," was a Bohemian adventurer who made his way to America in the service of the West India Company. He is generally believed to have been a native of Prague, Bohemia, and to have been born about the year 1608. A fair education, supplemented by the opportunities of an adventurous career had made him conversant with French, Dutch, German and English. He was also an excellent surveyor and something of an artist.

As a soldier he had seen active service under Gustavus Adolphus, and upon retiring engaged in various commercial undertakings in the service of the West India Company<sup>1</sup> and thus made his way to New Netherlands. New Amsterdam, where he made his home, felt the impress of his strong personality in many ways. He was an original member of the council of nine men instituted by Governor Stuyvesant in 1647, and his name appears in various important transactions, while serving as a member of this council.<sup>2</sup>

His connection with Maryland matters dates from his appointment by Governor Stuyvesant as a special commissioner, along with Resolved Waldron, to negotiate with Governor Fendall, of Maryland, relative to the disputed eastern boundary of Lord Baltimore's Province.<sup>3</sup> As an instance of his acute discernment, he pointed out that Lord Baltimore's patent only invested him with such lands as had not been previously inhabited by any persons save the barbarous people called Indians. This interpretation of the terms of the charter was not acceptable to the Maryland authorities, and the dispute was referred to the respective governments for adjudgment.

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<sup>1</sup> Johnston: "History of Cecil County," p. 15.

<sup>2</sup> "Ancient Families of New York," in *New York Genealogical and Biographical Record*, April, 1878, p. 54.

<sup>3</sup> "New York Colonial Documents," vol. II.

Waldron returned to New Amsterdam to submit their report, and Herrman proceeded to Virginia to clear the Dutch of the charge of inciting the Indians in the Accomac to hostilities against the English. Returning, he passed through what is now Cecil County, Maryland. So favorably was he impressed with the beauty and advantages of the section, that he commenced negotiations with Lord Baltimore, which resulted in his receiving an extensive land grant in consideration of his making a map of Maryland and Virginia, which would be valuable to Lord Baltimore in the settlement of the boundary dispute pending between the two colonies.<sup>1</sup> Thus Herrman was invested with about twenty-four thousand acres of the most desirable lands of what is now Cecil County, Maryland, and New Castle County, Delaware, which he erected into several manors, called by him, "Bohemia Manor," "St. Augustine Manor," "Little Bohemia," and "The Three Bohemian Sisters."

Among the titles of Acts passed by the Maryland Assembly, is one dated 1666, which provides for the naturalization of several persons therein named, and including "Augustine Herrman of Prague, in the Kingdom of Bohemia, Ephraim, Georgius and Casparus, sons of said Augustine, Anna Margaritta, Judith and Francina, his daughters."<sup>2</sup>

It was the design of Lord Baltimore to erect a county that should bear his name, so that one of the specifications of Herrman's grant was that he should erect a County of Cecil with the town of Cecilton. Herrman's lands were at that time included in Baltimore County, which embraced all the head tributaries of the Chesapeake. The year of his settlement in Maryland, the year 1661, he mentions that he was engaging settlers to unite to form a village. It is not probable that he succeeded in his purpose. The County of

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<sup>1</sup> A reprint of this map is in the possession of the Maryland Historical Society.

<sup>2</sup> Bacon, sub Anno 1666. This was the first naturalization act passed by any of the Colonies.



Cecil was subsequently erected, and until that time Herrman was a Justice of the Peace of Baltimore County.

The alliance of his eldest son, Ephriam, with the Labadists, who made their appearance in America in 1679, leads us to consider the circumstances and motives which led the Labadists to Maryland and effected their settlement on "Bohemia Manor." The circumstances were industrial and economic, the motives were religious. Along with a desire to find in the New World an asylum where they might peacefully pursue their communal life, they were actuated by a praiseworthy zeal for the conversion of the Indians. But, perhaps, the scheme of colonization found its greatest strength in the industrial needs of the community at Weiward. The problem of sustenance for a community of above one hundred persons was one not easy of solution; and, indeed, at the time of its highest development this problem was magnified four-fold.

At the time of their greatest prosperity they received a visit in 1667 from William Penn and his associates, Fox, Barclay and Keith,<sup>1</sup> who renewed the overtures of union which William Penn had made to Labadie in Amsterdam. But the Friends left without accomplishing their purpose, though with pleasant impressions of the people so like themselves in the mystical elements of their faith.

The community the Quakers visited at Weiward was an eminently industrious one. Each member had an assignment of work, the returns for which went into the general coffer.<sup>2</sup> Of this industry, Anna Maria van Schurman says: "It is nearly incredible with what splendid order, with what comfort and ease even the heaviest and most difficult work is performed by us, where the Christly love, which maketh not ashamed, goes before and directs everything. By the singular blessing of God, it sometimes happens that we do

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<sup>1</sup> "Penn's Travels," 4th ed., p. 98, "De Labadie en de Labadisten." Gough: "History of the People called Quakers," p. 9, 492; part II, p. 12.

<sup>2</sup> "De Labadie en de Labadisten," pp. 118-119, part II.

more work in a single day than other workers of the same kind in three or four days.”<sup>1</sup>

The lands at Weiward were chiefly valuable for grazing, but Dittleback ascribes their failure for agricultural purposes to indifferent cultivation. Besides sheep-raising and agriculture, various other pursuits were engaged in. There were complete facilities for printing and publishing books and tracts, the sale and circulation of which devolved on some members of the community. Soap manufacture was followed with indifferent success; the sale of Labadie pills brought considerable profit to the community, while the Labadist wool was a celebrated brand of the times. There were also in the community tailors, shoemakers, bricklayers, carpenters, etc. But the revenues from all sources were insufficient to provide more than the scantiest subsistence for the whole company of men, women and children.<sup>2</sup>

The policy pursued was to relieve the mother community by successive subdivisions and the establishment of communities at other places. The Labadists had discovered that the plan of concentrating a very large force at any one point was impracticable in communal relations, unless forms of remunerative employment sufficient to meet their needs could be originated. So, as the community increased in number, daughter churches were established at Rotterdam, The Hague, and elsewhere. They considered this form of Church organization to be primitive and apostolic, and as in all things they endeavored to foster the ideal of their illustrious founder—the reproduction of the living image of the early Church—they endeavored to model their Church organization and adapt its administration to the sacred pattern, just as in practice they sought to reproduce the customs of the early Church.

The attention of the Labadists had been first directed

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<sup>1</sup> “Eucleria,” p. 145, *et seq.*

<sup>2</sup> “Korte onderrichtinge, rakende den staet en maniere van het der Labadisten.”

to the New World by the three sisters of the Lord of Sommeldyk,<sup>1</sup> who was also the Governor of Surinam, which had passed into possession of the Dutch by the treaty of Breda, in 1667, in compensation for New York, which was ceded to the English. This seemed to be the most desirable place in the New World for the establishment of their colony, as it was the only possession remaining to the Dutch in America, and their colony would be under the patronage and protection<sup>2</sup> of the friendly Governor. A deputation that was to report on its availability found that the Governor's representations were colored by his desire to have such pious and industrious people as his colonists, and in reality the Eden which they expected to find approximated more closely to a hospital.

The Labadists next considered New York for their purposes. The objections to this place were that it had now become an English possession, and its Governor, Andros, was a Roman Catholic, and they were afraid that under him they would not enjoy the measure of religious liberty they craved.<sup>3</sup> Another objection to New York was that tobacco, which was a staple product, was interdicted by the rules of their society. Especially solicitous were they as to the probable measure of success with which they might preach the evangelical faith to the natives.

It was determined by the Weiward assembly to send two of their number to New York at once to secure land for a colony. Peter Sluyter and Jasper Danckers, both prominent men of the community, were selected for the task. The journal, which was kept by these two men, constitutes an important source of information concerning the Labadists in America.<sup>4</sup> For some prudential reasons they traveled under the aliases P. Vorstman and J. Schilders. Their departure for America is thus noted: "On the eighth of

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<sup>1</sup> Kok: "Vaderlandsch Woordenboek," subject Aarrsens.

<sup>2</sup> "De Labadie en de Labadisten," part II, p. 132.

<sup>3</sup> "De Labadie en de Labadisten," part I.

<sup>4</sup> "Memoirs of the Long Island Historical Society," vol. I.

June, 1679, we left home at four o'clock in the morning, taking leave of those with whom God had joined us fast in spirit, they committing us and we them with tenderness of heart, unto the gracious protection of the Highest." They arrived at New York on Saturday, the twenty-third of September. The next day they attended church "in order to avoid scandal, as well as for other reasons." On the following Thursday they received a call from one Arnold de la Grange, to whom they appeared to have brought letters. They thanked him for an invitation to accompany him to the South River, and replied that they would await the Lord's will as to their future course. Their journal is instructive as showing the manner of life of the American Colonists, unless the experiences they relate were exceptional. A night spent on the estates of a fellow-countryman from Utrecht is thus described: "After supper we went to sleep in the barn upon some straw spread with sheepskins, in the midst of the continual grunting of hogs, squealing of pigs, bleating and coughing of sheep, barking of dogs, crowing of cocks, cackling of hens, and especially a goodly quantity of fleas and vermin, of no small portion of which we were participants; and all with an open barn door through which a fresh northwest wind was blowing."

They sought in a quiet way to insinuate their doctrines into the minds of those whom they met in familiar converse. Remembering one of the declared purposes of their commission, they also sought every opportunity to acquaint themselves with the religious conceptions of the Indians, and expressed themselves in terms of indignation at the frauds perpetrated upon the natives. "Although," say they, "it is forbidden to sell drink to the Indians, yet every one does it, and so much the more earnestly, and with so much greater and burning avarice, that it is done in secret. To this extent and further reaches the damnable and insatiable covetousness of most of those who here call themselves Christians."

Shortly after the date of this observation an event occurred which determined Maryland as the place of the



Labadist settlement in America. This event is recorded in the journal as follows: "From this time (October 18) to the twenty-second of October, nothing especially took place, except that we spoke to one Ephraim, a young trader, who was just married here, and intended to go to the South River, where he usually dwelt, for which purpose he was only waiting for horses and men from there."<sup>1</sup> Thus is described the meeting of the Labadist commissioners with Ephraim, the eldest son of Augustine Herrman. They thankfully accepted his invitation.

Their journal of daily events during this journey is not noteworthy for the purposes of this study, save as it comments upon and characterizes the Quakers, for whom they express the greatest contempt, notwithstanding the high esteem in which the Society of friends was held at Weiward. They speak of their experience at Burlington, a Quaker village, as follows: "We went again to the village this morning, and entered the ordinary exhorter's house, where we breakfasted with Quakers, but the most worldly of men in all their deportment and conversations. We found lying upon the window a copy of 'Virgil,' as if it were a common hand-book, and also Helmont's book of medicine, whom, in an introduction which they have made to it, they make pass for one of their sect, although in his lifetime he did not know anything about Quakers, and if they had been in the world or should have come into it while he lived, he would quickly have said no to them; but it seems these people will make all those who have had any genius in any respect more than common, pass for theirs, which is great pride, wishing to place themselves far above all others; whereas the most of them whom I have seen as yet are miserably self-minded in physical and religious knowledge."<sup>1</sup>

Further in their journal they again describe their experience with the Quakers: "In the evening there also arrived three Quakers, one of whom was the greatest pro-

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<sup>1</sup> "Memoirs of the Long Island Historical Society," vol. I, p. 153.

<sup>2</sup> *Ibid.*, p. 176.



phetess, who traveled through the whole country in order to *quake*. She lives in Maryland, and forsakes husband and children, plantation and all, and goes off for this purpose. She had been to Boston, and was there arrested by the authorities on account of her quakery. This worthy personage came here in the house where we were, although Ephraim avoided her. They sat by the fire and drank a dram of rum with each other, and in a short time afterwards began to shake and groan so that we did not know what had happened and supposed they were going to preach, but nothing came out of it. I could not endure them and went out of doors." The next day the journalist continues, "The dinner being ready I was placed at the table next to the before-named prophetess, who, while they all sat at the table, began to groan and quake gradually until at length the whole bench shook, then rising up she began to pray, shrieking so that she could be heard as far as the river."<sup>1</sup>

The following day they record their arrival at New Castle, where they were welcomed to Ephraim Herrman's home<sup>2</sup> by his sister, whom they describe as "a little volatile, but of a sweet and good disposition." Here they met Mr. John Moll, a man of considerable distinction in the affairs of Delaware, and with whom they had previous acquaintance in New York, and who became one of their converts. Concerning Ephraim and his wife, they confidently expressed the hope that they would yet bring forth the seed the Lord had sown in them in his own time. A devout hope which was realized in the case of Ephraim to the sorrow of his wife.

The two Labadists next repaired to the home of Mr. Moll, expecting to be met there by servants of Casparus Herrman, who were to conduct them to their master's plantation. They digress enough in their journal to describe the system of indented servitude which they found on Mr. Moll's plantation and which they strongly denounce.

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<sup>1</sup> "Memoirs," pp. 182-183, 186.

<sup>2</sup> *Ibid.*, p. 188.

They proceeded to Casparus Herrman's, and in his absence they examined into the suitability of the "Manor"—St. Augustine's—for their purposes. The next day they visited Augustine Herrman's, meeting Casparus Herrman on the way. They describe "Bohemia Manor" as a noble piece of land, and speak of Maryland generally as the most fertile portion of North America, and add that it could be wished that it were also the most healthy. They presented to Augustine Herrman letters of introduction from his eldest son.<sup>1</sup> The worthy Bohemian appears to have been attracted to the two Labadists, and assured them that while he would not consent to sell or hire his land to Englishmen, yet they might buy what they desired cheap. Without entering into a definite contract for the transfer of land to the Labadists, Augustine Herrman rendered himself legally liable for such a transfer, so that on the return of the Labadists to America with colonists, the consummation of the sale of a portion of his estates to them was enforced by law. "Bohemia Manor" was free from the objection which they made to the plantation of Casparus Herrman, viz: that it lay along a road "and was, therefore, resorted to by every one, especially by these miserable Quakers."

The Labadists proceeded to New Castle, Delaware, where they were cordially received by their friend Ephraim Herrman. The following Friday, Augustine Herrman was sent for by his father, the Labadists supposing the summons to have reference to their proposed land transaction with the elder Herrman.<sup>2</sup> In view of Ephraim's friendship for them they congratulated themselves that this augured well for their prospects. But in view of subsequent developments it is probable that Augustine Herrman's suspicions had been aroused as to the Labadists, and that he sent for his son in order to sever his connection with them. This is abundantly borne out by the fact that the

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<sup>1</sup> "Memoirs," p. 195.

<sup>2</sup> *Ibid.*, p. 225.

Labadists had subsequently to resort to law to compel Herrman to hold to his engagement and to transfer to them the land for which they had negotiated. Besides this, in a codicil to the will of Augustine Herrman, which was made not a great while subsequent to this, provision is made for the appointment of three of his neighbors as his executors, instead of his son Ephraim, the motive assigned for the change being that Ephraim adhered to the Labadist faction, and was using his best efforts to proselyte his brothers and sisters, and he feared the Labadists would become, through Ephraim, sole owners of all his lands. Nor were his fears groundless.

Having accomplished their mission to America, the Labadist commissioners returned to New York to embark for their own country. Until their departure their journal is prolix with conversations held with various persons on the subject of religion, some of whom are afterwards met in connection with the Labadist settlement in Maryland. The policy of the Labadists was to enlist converts by personal converse, and not by preaching. They attended church service whenever possible on Sundays, for prudential reasons alone, as they themselves admit. They studiously avoided bringing themselves into public notice, as though fearful, lest the object of their visit to the country becoming known, their plans might miscarry. While awaiting a ship in which to take passage, they received a visit from Ephraim Herrman and his wife in fulfillment of a promise made them on their departure from New Castle.

A notable event which occurred during their waiting was a visit paid to the Labadists by Pieter Beyaert, "a deacon of the Dutch Church," whom they describe as "a very good sort of a person, whom God the Lord began to teach and enlighten, both in regard to the destruction of the world in general and of himself in particular."<sup>1</sup> This was an ancestor of the Bayards, of Delaware. He later left

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<sup>1</sup> "Memoirs," pp. 343-344.

New York and removed to the vicinity of Casparus Herrman's home, and was subsequently a member of the Labadist community.

On June 19 the Labadists embarked for Boston, intending to visit that place before starting for Weiward. While at New York their reticence with regard to themselves and their apparent lack of definite purpose, had awakened suspicions and surmises concerning them, so that they were variously credited with being Roman Catholic priests, Quakers, Brownists and David Jorists. At Boston they surrounded themselves with the same air of mystery and were suspected of being Jesuits.

John Eliot, the missionary to the Indians, to whom they sold copies of their publications, enjoyed the exceptional distinction of being the only religionist outside of their own faith, of whom they had a favorable word to say; due, perhaps, in some measure to the fact that work among the Indians was one of the avowed purposes of their own coming to America. They represent Eliot as expressing himself as highly pleased with the principles of their faith and as profoundly grateful to God for sending such pious people to the New World. On the twenty-third day of July, the Labadists set sail for Europe.

## CHAPTER V.

### LABADISTS AND THE MANOR.

In 1683 the two Labadists returned again to Maryland, bringing with them the nucleus of a colony. As has been stated already, Augustine Herrman refused to consummate the sale of his land to them, and they only succeeded in obtaining what has since been known as the Labadie tract, by recourse to law. The deed is executed to Peter Sluyter (alias Vorstman), Jasper Danckers (alias Schilders, of Friesland), Petrus Bayard, of New York, and John Moll and Arnold de la Grange in company. This deed is dated August 11, 1684.<sup>1</sup> The tract conveyed embraced four necks of land eastwardly from the first creek that empties into Bohemia River, from the north or northeast to near the old St. Augustine or Manor Church. It contained thirty-seven hundred and fifty acres.

Those who were associated with Sluyter and Danckers in this land transaction are all persons who have been referred to before in this paper. They were all professed converts to Labadism. Soon after they had received the deed of the land, Moll and la Grange conveyed their interest in it to Sluyter and Danckers. Bayard retained his interest until 1688, when he seems to have left the community and returned to his wife.<sup>2</sup>

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<sup>1</sup> "Baltimore County Records."

<sup>2</sup> He and Ephraim Herrman had both separated from their wives on embracing Labadism. There is a tradition that Augustine Herrman pronounced a curse upon his son Ephraim that he might not live two years after his union with the Labadists, and he actually did die within that time, but not before he had repented of joining the Labadists, and, like Bayard, returned to his wife.



The advent of the Labadists into Maryland does not seem to have attracted great attention. The aggressive spirit which characterized the Labadists in The Netherlands did not manifest itself in the New World. The additions to the community were made largely from converts among their own countrymen of New York.

The industrial activities of the Labadists show the influence upon them of new conditions. Slave labor and the cultivation of tobacco had been two objections advanced against the planting of a colony in America, yet notwithstanding the virtuous indignation expressed in their journal against these practices, we find the Labadists engaged in cultivating tobacco extensively, and using for the purpose the slave labor that was so abhorrent to them. In addition to the cultivation of tobacco, the culture of corn, flax and hemp, and cattle raising were prominent among their industries.

But the main purpose of the community was not rapidly accomplished. Their maximum development but slightly exceeded a hundred men, women and children.<sup>1</sup> The feeling of detestation for them expressed by Herrman in a codicil to his will, seems to have been very generally shared by their neighbors. This was doubtless in part due to the distrust engendered by their peculiarities and their seclusiveness of life. The peculiar forms of the Labadists were not favorable to the propagation of their faith; so that there seems to have been no attempt whatever by energetic public preaching or by missionary efforts among the Indians, to realize the hopes of the mother community in sending them out. The spirit of zeal for the salvation of men that gave rise to Labadism was not manifested by the Church in Maryland. It may be that the report of the decline of their faith at Weiward had a disheartening effect upon them. But, however this may be, the fact remains that the Maryland Colonists whom the Labadists in their journal describe as

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<sup>1</sup> Samuel Bownas: "Life, Travels, Experiences," etc., p. 9.

very godless and profane, were little bettered by the coming of the Labadists among them. Their efforts in this direction were confined to endeavors at proselyting individuals, and frequently those were selected for their proselyting attempts, who would bring some substantial material benefits to the community.

In 1698 a division of the "Labadie Tract" was effected, Sluyter conveyed, for a mere nominal rent, the greater part of the land which he possessed to a number of the prominent men of the community. He reserved one of the necks of land and became very wealthy. In 1722 he died. Though up to that time there was still kept up some sort of organization among the Labadists, yet the division of 1698 marked the disintegration of the community, as did a similar division at Weiward, at about the same time. There, however, the dissolution came by consultative action, the Labadists returning to the Reformed Church became a leaven of profound spirituality, and their influence, it is affirmed, never died. The dissolution in Maryland came by the logic of events. The community dwindled into extinction. Five years after the death of Sluyter, the Labadists had ceased to exist as a community;<sup>1</sup> and were it not for certain prominent families descended from them, whose genealogy has been carefully traced by the Rev. C. Payson Mallary, in his excellent monograph,<sup>2</sup> the community on "Bohemia Manor" would be but a memory.

When we come to examine into the cause of the failure of Labadism to permanently establish itself in the New World, we find it to be attributable to that assertion of individualism which has proved destructive to all attempts at founding religious or industrial communities, subsequent to this first community ever attempted in America. But besides this weakness, inherent in the communistic system, there were particular contributing causes for the failure of the Labadist ideal. Of these particular causes those result-

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<sup>1</sup> Samuel Bownas: "Life, Travels," etc.

<sup>2</sup> C. Payson Mallary: "Ancient Families of Bohemia Manor."

ing from the system itself were more potential than those due to the environment in which it was placed. It was concerned more with intensive spiritual cultivation than with extensive propagation. It could operate more successfully upon those who were longing to separate themselves from worldiness, and were thus responsive to the profound pietistic aspirations which were the breath of the Labadist faith. The Labadist Church was not a pioneer but a reforming church. But besides this it had as a heritage from its founder, formularies and disciplinary methods, which militated against it even in those countries where it was originally developed. The communistic form of religion is not suited to longevity or large accomplishments, and must ever remain a Utopian ideal.

The personal character of those at the head of the community would of itself have operated against its success. Sluyter, though a man of almost morbid religious tendencies, was yet a man of strong mercenary instincts; and the mercenary motive seems to have gained the ascendancy in the community.

Had Sluyter been possessed of the strong traits of character which presaged success to the pioneers of Puritanism, Catholicism, Quakerism, or any of the other vigorous systems, which had already, or which subsequently came with a strong hand to possess the New World for God, Labadism might have wrought itself into the religious life of the Colonies as effectively as did any of these systems of faith. Yet the decline of the Mother Church at Weiward, not only had a disheartening effect upon the Maryland Church, but so intimately connected were they by the Labadist polity, that the downfall of the communal fabric at Weiward, meant assuredly dissolution in Maryland, as the Labadist system had in it no latent possibilities of adaptation to new conditions.

And now, perhaps this paper cannot find a more fitting close than is offered by a glance at the declining fortunes of "Bohemia Manor." Augustine Herrman, its founder, had

cherished the ambition of perpetuating his name through a line of male descent, and desired that each of his male descendants in the line of primogeniture should incorporate in his name, the name of Augustine, on coming into possession of "Bohemia Manor." The free use of his name, or that of his native country, all point to the supreme passion of the worthy Bohemian.

He made his last will in 1684, and did not long survive. The stone which once marked his resting-place is now encased in a wooden box. But the place of burial of Augustine Herrman is beyond the possibility of accurate location.

His burial on his manorial estates carried out a provision of a will which he made, and which, though never proved, is preserved among the land records of Baltimore County. It is as follows: "I do appoint my burial and sepulchre, if I die in this bay or Delaware, to be in 'Bohemia Manor,' in my garden by my wife, Johanna Varlett's, and that a great sepulchre stone shall be erected upon our graves, three feet above the ground, like unto a table, with engraven letters that I am the first seater and beginner of 'Bohemia Manor,' Anno Domini 1660, and died," etc.<sup>1</sup>

Besides the slab of oolite bearing this inscription, the devastation of fire and the ravages of time have left few traces of the glory of other days, while the knowledge of the Labadists has become such a fading tradition in the locality where their history was developed, that very many who have been born and reared in the vicinity of "Bohemia Manor," have never heard of the sect which once flourished in a mild way under the broad toleration of the religious policy of Maryland's proprietaries.

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<sup>1</sup> "Baltimore County Land Records," Book I. S., No. I. K.

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SLAVERY IN THE STATE OF  
NORTH CAROLINA





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History is past Politics and Politics are present History.—*Freeman*

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SLAVERY IN THE STATE OF  
NORTH CAROLINA

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## PREFATORY NOTE.

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DURHAM, N. C., July 7, 1899.

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# Slavery in the State of North Carolina.

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## INTRODUCTION: GENERAL CHARACTERISTICS.

The story of slavery in the State of North Carolina may be considered in two parts, the dividing point of which is the year 1831. Before this year the general conditions of the slave were more humane than after it. Public feeling on the question was then unimpassioned. Some people opposed it; some favored it. It seems to have been discussed in a sane way, as a matter of public policy and without any extraordinary excitement or recrimination. After 1831, or about that year—for no fine and distinct dividing point can properly be made—the conditions of slavery became more severe. One law after another was passed which bore hardly on the slave, until at last he was bound hand, foot, and brain in the power of his master. Moreover, public feeling became inflamed. Slavery could no longer be discussed as a public policy, and there arose with most people in the State a fervent intolerance of all views advanced against the system.

The causes of this remarkable development have often been enumerated. Later on in this work I propose to explain the matter with some degree of fulness in a chapter on the development of the pro-slavery sentiment. Here it cannot be necessary to do more than point out the general facts of the process.

In this sense the chief cause of this change was the invention of the cotton gin and the consequent opening up of the cotton industry, not only in many parts of North Carolina,



but in the entire Gulf region. This gave a strong impetus to the settling of large plantations which hitherto had been limited for the most part to the rice producing regions. A wide extension of slavery could never have been made on the basis of the small farm, where there was necessarily much white labor. In North Carolina, and elsewhere, no doubt, it was noticeable that slavery, even in the days of the greatest excitement over the slave question, was of a milder type in the western counties. Here the farms were small. Slave-owners had but few slaves. With these they mingled freely. They worked with them in the fields, ploughing side by side. The slave cabins were in the same yard with the master's humble home. Slave children and, indeed, slave families were directly under the eye of the master, and better still, of the mistress. On such farms from five to twenty slaves was a usual quota, although their number often went to fifty and even higher. Could this type of bondage have predominated in the South, it is likely that slavery would sooner or later have softened itself, as in the disintegrating Roman Empire, into some less austere forms of servile labor, until at last it came by successive stages to the light of freedom. That it did not happen was due to the aristocracy of cotton.

The triumph of the cotton aristocracy did not come in a day. In 1800 North Carolina was, except certain sections in the far East, in the grasp of the small farm system. There were then many people in the State who opposed slavery. Some of them were statesmen who, like Jefferson and Washington, looked to the day of freedom. They were strong enough to offset and keep down a certain thorough-going tendency to deal with slaves in a summary manner, which from the first was not wanting with some legislators. But as the large estate prevailed, the pro-slavery influence became stronger. The arguments on this side were naturally aggressive; and those on the other side were conservative. The former caught the support of the younger men in politics. As time passed the older party was weakened

by the death of its leaders, and the new party gained strength. It was in 1831 that the latter was able definitely to triumph over the former.

There are two well-known facts that secured this decisive victory; that is to say, the Nat Turner rebellion and the beginning of the more vigorous anti-slavery agitation in the North. The former won the victory; the latter undoubtedly made it forever sure.

Looking behind these two facts, however, it is worth while to ask how much the newer development of slavery, due to cotton cultivation, had to do with these two occurrences. To attempt to answer this question here would be to anticipate the task of the historian of slavery in general. I shall only venture to suggest that it may be probable that the growing harshness of slavery, either in Virginia or in the far South, led Nat Turner to make his futile attempt at freedom. With more confidence I might assert that the certain extension of slavery in the Gulf States, as well as in the older slave States, nerved the anti-slavery associates of Garrison to a fiercer battle. They saw, they must have seen, that the enemy against whom they contended was every day growing stronger. This aroused their efforts in the first instance, and made the fight more bitter throughout its course. This increased strength of slavery was due to cotton. But for this the famous contest in the Virginia Legislature of 1831 might have had another end. Mr. D. R. Goodloe<sup>1</sup> is authority for the view that such a triumph of anti-slavery in Virginia would have carried North Carolina against slavery. Such a victory in either State, or in both, would have broken the sectional balance in the United States Senate and secession would have been blighted ere it had sprouted.

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<sup>1</sup>See a manuscript sketch by Mr. Goodloe himself, which is preserved among the papers of the Trinity College Historical Society.

## CHAPTER I.

### THE LEGAL STATUS OF THE SLAVE.

The spirit of the slavery legislation in the State of North Carolina conforms to the development that has been indicated. Before, and immediately after, 1800 many of the laws passed indicated a milder spirit. After that they became more austere till they finally partook of the spirit of harshness to which allusion has been made. But this development did not come because of deliberate cruelty on the part of the slave-owners. There are throughout the period of greatest restriction enough humane laws and more than enough humane custom to show the contrary. It came as a logical consequence of the conviction that the future development of Southern society as well as the safety of the Southern people demanded that slavery should be perpetuated. Before this iron necessity every impulse to humanity, every suggestion for a better elevated negro race, was made to fall. Now and again some sharp-eyed pro-slavery advocate would discover some way by which it was thought that the slave could lift himself out of slavery, and the way would be as promptly closed up. At one time it was teaching slaves to read, again it was allowing negroes to preach to their race, again it was allowing free negroes to attend muster, and sometimes it was allowing a slave to hire his own time. In every case the Legislature was prompt with its veto. And yet it is certain that the feeling of the community was not so harsh as these laws indicate. Severe laws were often not obeyed. Besides some other provisions of the law, the single case of the State *vs.* Will is sufficient evidence of this humaner feeling. This case is remarkable because it settled, in 1834, just at the time when the

pro-slavery sentiment was in the flush of victory over the conservatives, the question that a slave had a right to defend himself against the apparently murderous attack of his master or overseer. Such a decision granted the slave all the rights of a moral conscience and gave the lie direct to the notion that the slave is not a person, the notion which underlay the Dred Scott decision.

These two opposite tendencies of greater austerity and of greater sympathy within the bounds of slavery existed conjointly throughout the period we have under consideration. In considering the legal status of slavery as well as the general social conditions of slaves, the reader will often remark the outcropping of one or both of them.

*The Slave in Court.*—During the period of statehood the slave law of 1741 continued the basis of the law of slavery, although it was frequently modified. By this law two or more justices of the peace and four freeholders were constituted a court to hold the trial of a slave.<sup>1</sup> But in 1793 (chap. 5) the slave received the additional security of being tried for offenses involving life, limb, or member before a jury of twelve slaveholders in open County Court, but "in a summary way." If, however, the County Court were not to meet in regular order in fifteen days after the arrest of the slave, the sheriff was to call a special court of three justices of the peace and twelve disinterested slaveholding jurymen, as before provided, and these were to have the powers of the County Court for the case at issue. The owner was to have notice and might defend his slave, and if the case went against the slave he paid the costs; but if the master were unknown the slave was allowed counsel. What was meant by the expression "in a summary way" was defined in an explanatory act a year later (Laws of 1794, chap. 11). It was at first intended doubtless that the court should not be bound by the ordinary rules of pleading. Now it was declared with more explicitness that the jury should

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<sup>1</sup> See the author's "Slavery and Servitude in the Colony of North Carolina," pp. 28-29.

return a verdict on the evidence submitted by the Court, and that the Court should give judgment "agreeable to the verdict of the jury and the laws of the country." By this it seems that the penalties inflicted on white men for the crimes in question were extended to slaves convicted of the same crimes.

Further guarantees of security were given in 1816 (chap. 14) when it was provided that slaves charged with capital offenses should be tried in the Superior Courts; and that the trial was to be conducted as the trial of a freeman, unless the charge were conspiracy. It was expressly stated that there must be a presentment by the grand jury; that the owner must be notified; that the hearing might be removed to another county on affidavit of owner; that an offense clergyable for freemen was to be clergyable for slaves; and that the slave with the advice of his master might challenge the jury for cause. Otherwise the trial was to follow the law of 1777 (chap. 2) and that of 1779 (chap. 6). If the charge were conspiracy the trial was to be by special commission of Oyer and Terminer issued by the Governor to a Superior Court on the petition of five freeholders in the county in which the conspiracy was alleged to have occurred. Conspiracy was an exceptional affair in reference to the slave; but for ordinary cases the status of the slaves improved steadily. In 1818 a slave on trial for his life was given the full right of a freeman to challenge jurors.<sup>1</sup> Thus in the matter of his life the standing of the slave approached nearly to that of the freeman.

In 1820 a further distinction between the trial of a freeman and a slave was obviated when it was provided that when a slave was convicted of a capital offense the costs should be paid by the county.<sup>2</sup>

Minor offenses were tried differently. By the law of 1741 they were tried in the same way as capital offenses. But in 1783 (chap. 14) it was enacted that a justice of the peace

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<sup>1</sup> Revision of 1821, chap. 972.

<sup>2</sup> *Ibid.*, chap. 1073.



before whom the case of a slave was brought should try the case at once, if it were less than a capital crime and if, in his judgment, the penalty ought not to be heavier than forty lashes. Such trial was to be "in a summary way." Cases between these minor cases and capital cases gradually came to be tried in the County Courts, as capital cases were to be tried in the Superior Court. Here also the trial was to be conducted "under the same rules, regulations and restrictions as the trials of freemen;" and the slave was entitled to a jury of slaveholders.<sup>1</sup>

The law as just stated remained in force till the war, with the difference that the cases hitherto left to the County Courts went now to one or more justices of the peace, if they chose to sit on the case, and the penalty was to be whipping not to exceed thirty-nine lashes on the bare back. Appeal was, by law of 1842 (chap. 3), to be allowed to the County or the Superior Court. Such offenses were what were called "inferior offenses" and crimes which if done by free persons would be cognizable in the County Court. Some of the "inferior offenses" ought to be mentioned. Among them were insolence to a free white person; slandering a free white person, or trespassing on the property of such a person; intermarrying or cohabiting with a free negro; having sexual intercourse or indulging in grossly indecent familiarity with a white female; trying to teach a slave to read or to write—the use of figures excepted; exhorting or preaching or holding any other public religious service where slaves of different families were assembled; playing cards, dice or nine-pins, or gambling for money, liquor or other property; raising cattle, hogs, horses, etc.; producing a forged pass or certificate of freedom, and some other offenses. Felonies and other offenses of slaves not given for trial to a justice of the peace were to be tried before the Superior Court in the manner of the trials of freemen and before juries of slave-owners.<sup>2</sup> Conspiracy to rebel was

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<sup>1</sup> Revised Statutes, 1837, p. 582.

<sup>2</sup> Revised Code, pp. 510-11.

also construed a felony and punishment was to be death or transportation.

The payment of the owners for slaves executed by law was a hard matter to settle. At the beginning of statehood the State paid the owner for the slave, and in 1779<sup>1</sup> the Assembly fixed the maximum value of such a slave at £700, continental money, then much depreciated. In 1786 (chap. 17) the Assembly repealed all acts allowing payment for executed slaves, since, as it declared, "many persons by cruel treatment of their slaves cause them to commit crimes for which many of the said slaves are executed." Masters now for financial reasons protected their slaves from prosecution, and there was a demand for a return to the old system. Formerly the burden had been borne by the whole State, and this was considered unfair to the counties which had few slaves. The final solution lay in local action. In 1796 (chap. 27) seven eastern counties were authorized to lay a tax to pay for slaves executed within their respective borders, the owner to receive two-thirds of the value of the slave, as estimated by the jury that pronounced him guilty. This amount, however, was not to be paid unless the jury was convinced that the owner had properly fed and clothed the delinquent slave. A tax for such a purpose was to be levied on the black polls of the county. This law seems to have worked well for within a few years several other counties had been granted the same privileges.

*Runaways.*—In the above section the development was in favor of a more humane treatment of a slave. There had been an honest desire to secure justice to the slave, and the graver offenses were put on the same basis as in the graver cases of freemen. It could be done because in no way was the perpetuity of slavery concerned. This was not true in regard to runaways. Such slaves threatened the very life of slavery. The law of colonial days on this subject had been stringent; and that was slightly modified after the

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<sup>1</sup> Laws of 1779, 3d session, chap. 12.

Revolution. Such enactments as were made had to do chiefly with persons who aided runaways. Thus in 1779 (1st session, chap. 11) it was made a capital felony to steal or seduce away a slave and this law remained in force till the war.<sup>1</sup> This probably referred to persons who stole slaves as property; but in the same act it was further provided that whoever aided a runaway to escape should on conviction pay £100 to the owner of the fugitive and, in addition, whatever damages might be incurred. In 1793 (chap. 5) it was made a capital felony for a ship captain to take, or knowingly allow others to take, a slave out of the State without the written consent of the slave's master.

In the days of exasperation against the anti-slavery party in the North more stringent rules were made. From 1825 till 1833 there were three laws passed, the substance of which was to make the stealing of a slave with the purpose of sending him out of the State, or the aiding of one to escape out of the State, a felony punishable by death.<sup>2</sup> This law remained in effect till 1860.<sup>3</sup> This was no doubt aimed at Northern men bent on working the Underground Railway. For ordinary cases of persuading slaves to run away or for harboring runaways one should on conviction pay the owner of the slave a fine of \$100 and damages and be liable to fine of \$100 more, and might furthermore be indicted and fined another \$100 and imprisoned not more than six months.<sup>4</sup> The latter amendments were passed in 1821 and 1830.

*The Slave's Right to Hunt.*—Here, too, the question of the perpetuity of slavery was involved. For slaves to hunt with a gun jeopardized the masters' lives. Throughout the period of statehood there was no disposition to relax the strict prohibition of this practice. Anyone who found a slave so hunting might take the gun for his own use and carry the

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<sup>1</sup> Revised Statutes, chap. 34, sec. 10, and Revised Code, chap. 34, sec. 10.

<sup>2</sup> Revised Statutes, chap. 34, sec. 11.

<sup>3</sup> Revised Code, chap. 34, sec. 11.

<sup>4</sup> Revised Statutes, chap. 34, sec. 73, and Revised Code, chap. 34, sec. 81.

slave to the nearest constable who should at once give the slave twenty lashes on his bare back and the owner should pay the same reward as was paid for taking up a runaway.<sup>1</sup>

*The Slave's Right to Travel and Trade.*—The patrol, which had been established in 1753,<sup>2</sup> became steadily a more permanent institution as the people became more convinced of the necessity of keeping slavery unassailed. In 1779 (3d session, chap. 8) it was required to make a general search once a month and to report to the County Court. Slaves off their masters' plantations on Sunday were to be arrested, unless they had passes or were in the company of a white man. In 1794 (chap. 4) it was provided that the patrol should be appointed by the County Court whenever it should think necessary. No more than six men should be appointed to the district of each militia captain. The patrol was to be in office one year, was to have stipulated fees and one-half of the money from fines under this act of 1794, and was to be exempt from road and jury duty. Two patrolmen going together were to cover a district at least once a fortnight. They might whip—not to exceed fifteen lashes—slaves found off their master's land without permission.

In 1802 there was an alarm over a reported slave insurrection in Bertie and adjoining counties. This induced the Assembly to provide a still more efficient patrol.<sup>3</sup> The County Court was now authorized to appoint patrolers in such numbers and under such rules as it might think necessary, the patrolers retaining the powers and privileges conferred by the act of 1794. To support the patrol the County Court was given the authority to levy a special tax of one shilling on each black poll. In the same year (1802, chap. 68) the militia of Gates, Pasquotank, and Camden Counties were constituted a patrol. The captains were directed to divide their companies into squads of four or five men who

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<sup>1</sup> Revised Statutes, chap. III, sec. 23, and Revised Code, chap. 107, sec. 26.

<sup>2</sup> See author's "Slavery and Servitude," p. 38.

<sup>3</sup> Laws of 1802, chap. 15.

were to search their respective neighborhoods once in three weeks and to whip slaves found at large.

No further change was made in the patrol till 1830 (chap. 16, secs. 1 and 14) when the County Court was given authority to appoint, if it saw fit, a Patrol Committee of three persons in each captain's district who might appoint as many patrolers as they thought necessary, provided that this should not prevent the County Court from appointing patrols as they saw fit. The patrol was now given large powers of arrest. The patrolers were enjoined to visit suspected places, to disperse assemblages of slaves, to be diligent in arresting runaways, to detect thefts, and to report persons who traded with slaves. The patrol, or any two of them, should "have such powers as may be necessary to a proper discharge of the duties herein enjoined," ran the law. If a negro who was being whipped was insolent to them he might be further punished not to exceed thirty-nine lashes in all. The Patrol Committee was given power to discharge patrolers and to appoint others in the vacancies. To refuse to serve on the patrol was punished by a fine of \$20, to go to the support of the patrol, and in 1835 (chap. 22) it was enacted that persons who refused or neglected to perform the duties of this office should be fined \$25.<sup>1</sup>

There was more than one reason why masters did not want their slaves to meet at slave-meetings about the neighborhood. It afforded opportunity for concocting mischief; and it demoralized the slaves by bringing them into contact with the worst negroes of the community, by keeping them up till late at night, and by giving them a desire for idleness. Accordingly the laws were always against such slave-meetings. In 1779 (2d session, chap. 10) it was enacted that an ordinary keeper who entertained slaves against their master's will should forfeit his license. In 1794 (chap. 4) it was declared that no person should permit any negroes, bond

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<sup>1</sup>See Revised Statutes, chap. 86; also *Tate vs. Neale*, 1 Hawks, 418, and Revised Code, chap. 83.



or free, to meet on his property for drinking or dancing on penalty of fine of £ 10.

The commonest crime of slaves in all ages is no doubt theft. The negro has been called thievish by nature. Certainly in American slavery he showed a decided tendency to petty thievishness, so that it was necessary to throw a great deal of legal restraint around his petty business relations with others. Various laws were passed on this subject. A slave must not trade with any other person without the written consent of his master, the article for which permission to trade was given being expressly specified.<sup>1</sup> Between 1826 and 1833 a series of laws enumerated the articles which slaves might not sell without the consent of their masters. These were articles raised on the farm, tools, food supplies, and articles prepared for sale, as staves, cloth, and gold and silver bullion. Other persons were forbidden to sell anything at all to slaves; provided, however, that this should not hold when slaves traded with the written permission of their masters between sunrise and sunset, Sunday excepted; but this proviso was not to apply to the sale of spirituous liquors, arms, and ammunition, unless they were for the master's own use.<sup>2</sup> How rigidly this law was enforced may be seen from the fact that in 1846 (chap. 42) it was enacted that this section should not be construed to mean that the master of a slave was not to give him these prohibited articles to carry from one place to another.<sup>3</sup> Further indication of the rigidity of the law is seen in the statement of what should be considered presumptive evidence in such a case. It was enacted in 1826 (chap. 13, sec. 6) that if a slave should be found in a place used for trade between nine o'clock and daybreak, or at any time unless his master sent him; or, if a slave should stay in such a place, unless sent thither by his master, for fifteen minutes with the door shut; or if he should come out of such a place with articles which

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<sup>1</sup> Laws of 1779, 1st session, chap. 11, and 1788, chap. 6.

<sup>2</sup> Revised Statutes, chap. 34, secs. 75-78.

<sup>3</sup> Revised Code, chap. 34, secs. 83-92.

might have been purchased therein; it should be presumptive evidence against him.<sup>1</sup> Shipmasters, many of whom were from the North, were forbidden to entertain negroes or mulattoes, slaves or freemen, on their ships between sunset and sunrise or on Sunday, unless the said negroes had permission from their masters or from a justice of the peace, or unless they were employed on board.<sup>2</sup> Negroes who violated this law were presumed to be disposing of stolen goods.

Of a somewhat similar nature was the custom of allowing a slave to hire his own time. This was a practice by which a slave paid his owner a certain sum of money for his own time and then followed some line of work in which he was proficient. The more industrious negroes who had trades, as blacksmiths, carpenters and bricklayers, often did this. From one hundred to one hundred and fifty dollars a year was the amount usually paid by a slave for his own time. Most slaves who hired their time did it with the intention of buying their freedom, and many of them accomplished their purpose. The practice gave the slave more liberty of action and it was considered undesirable both because it increased the number of free negroes and because it removed the slave so hiring from the strict control of the whites. Accordingly it was enacted as early as 1794 (chap. 4) that no slave should hire his time on penalty of being hired out for a year by the sheriff at the direction of the County Court, the proceeds to go to the poor. There is good reason to believe that this law was not generally executed, but it remained on the statute book throughout the period of slavery.<sup>3</sup> Neither should a slave be allowed to go about as a freeman, using his own discretion as to his employ-

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<sup>1</sup> Revised Statutes, chap. 34, sec. 78, and Revised Code, chap. 34, sec. 88.

<sup>2</sup> Revised Statutes, chap. 34, sec. 76, and Revised Code, chap. 34, sec. 93.

<sup>3</sup> Revised Statutes, chap. III, sec. 31, and Revised Code, chap. 107, sec. 28.

ment or living in a house to himself and remote from other slaves, as a freeman, even though his master should consent.<sup>1</sup>

*The Slave's Right to Life.*—In 1774 it was enacted that a person who willfully killed a slave should be imprisoned a year for the first offense and suffer death for the second.<sup>2</sup> In 1791 it was further enacted that if a person should be convicted of maliciously killing a slave he should on the first conviction be held guilty of murder and should "suffer the same punishment as if he had killed a freeman." But in 1801, in the case of the State *vs.* Boon, this law was declared inoperative on the ground that the clause which fixed the penalty was ambiguous. There were, it was said, various ways of punishing freemen for murder. Since the law left a shade of uncertainty in the penalty the prisoner was entitled to the doubt and in this case was released.<sup>3</sup> Two of the five judges of the court gave it as their opinion that the malicious killing of a slave was murder at common law, and the three others did not contradict the opinion. It is possible that it was under this influence that such a principle began to be held by the courts, since Chief Justice Taylor declared in 1820 that if a white person killed a slave under such circumstances as constituted murder he might have been punished for that offense.<sup>4</sup> A difficulty arose, however, if the case could be extenuated to manslaughter. No punishment was provided for that offense, and the prisoner was uniformly discharged. The Assembly, accordingly, in 1817 enacted that "the killing of a slave shall partake of the same degree of guilt, when accompanied with like circumstances, that homicide now does." This, the Court held in 1820,<sup>5</sup> was designed "to make the homicide of a slave, extenuated by a legal provocation, man-

<sup>1</sup> Revised Statutes, chap. III, sec. 32, and Revised Code, chap. 107, sec. 29.

<sup>2</sup> See the author's "Slavery and Servitude," p. 43.

<sup>3</sup> North Carolina Reports, vol. 1, p. 103 (edition of 1896).

<sup>4</sup> Hawks's Law, p. 217.

<sup>5</sup> *Ibid.*, p. 210, State *vs.* Tackett.

slaughter." After stating the common law in regard to manslaughter the Court added that in the very nature of slavery "many acts will extenuate the homicide of a slave, which would not constitute a legal provocation if done by a white person." The defining of these acts was not attempted, but it was presumed that the Court and jury would estimate them seriously in individual cases, with due regard to the rights of slaves and white men—"to the just claims of humanity, and to the supreme law, the safety of the citizens."

In 1823 the Supreme Court in the case of the State *vs.* Reed, declared directly that the killing of a slave might be tried as murder at common law, Chief Justice Taylor and Justice Henderson acquiescing and Justice Hall dissenting. The grounds of the decision were the law of Nature and Christianity. Justice Henderson made the very substantial statement that the law of slavery gave the master the control of the services of the slave and that it would be not too scrupulous in adjusting the means of enforcing these services. "But the life of a slave being in no ways necessary to be placed in the powers of the owner for the full enjoyment of his services the law takes care of that; and with me it has no weight to show that, by the laws of ancient Rome or modern Turkey, an absolute power is given to the master over the life of his slave. I answer, these are not the laws of our country, nor the mode from which they were taken. It is abhorrent to the hearts of all those who have felt the influence of the mild precepts of Christianity." The argument of Justice Hall was on the basis that the slave is a chattel. Now if a slave be killed the law provides that the owner has an action for trespass against the slayer. But if killing a slave be murder at common law the offender would be answerable both *civiliter* and *criminaliter*. The Legislature could not have intended to create such a condition. Besides, the Legislature in 1774 (chap. 31) passed a law to punish the killing of a slave. If such an offense had

been cognizable at common law the Legislature need not have made a statute on the subject.<sup>1</sup>

The effect of this decision was modified shortly afterwards in the case of the State *vs.* Hoover, where it was held that if a slave died from moderate chastisement of his master every circumstance which in the general course of slavery might have hurried the master to excess would be tenderly regarded by the law. But where the punishment was barbarously immoderate and accompanied by painful privation of food, clothing, and rest, it is not correction *in foro domestico*, indicates deliberate killing, and is therefore murder.<sup>2</sup>

The next question to be taken up in this connection was that of the culpability of a white man who cruelly beat a slave. In 1823, in the case of the State *vs.* Hale,<sup>3</sup> it was held that a battery committed on a slave, no justifying circumstances being shown, was an indictable offense. But it was explicitly stated that circumstances which would not justify a battery on a free person might in the nature of slavery justify an assault on a slave. "The offenses," said the Chief Justice in a sentence which casts a clear light on one phase of slavery in the South, "are usually committed by men of dissolute habits, hanging loose upon society, who, being repelled from association with well-disposed citizens, take refuge in the company of colored persons and slaves whom they deprave by their example, embolden by their familiarity, and then beat, under the expectation that a slave dare not resent a blow from a white man." This principle did not apply, however, to the assault of a master on his slave. This latter case was taken up in 1829 in the case of the State *vs.* Mann,<sup>4</sup> when it was decided that a master was not to be indicted for battery on his slave, that he who has

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<sup>1</sup> North Carolina Reports (new edition), vol. 9, p. 454.

<sup>2</sup> See 4 Devereaux and Battle, p. 365.

<sup>3</sup> *Ibid.*, p. 582. Here the defendant is called Hale. Later cases cite this case as State *vs.* Hall.

<sup>4</sup> North Carolina Reports (new edition), 13, p. 263.



a right to the services of a slave has a right to all the means of controlling his conduct that belong to the owner, and that this rule would apply to the hirer of a slave. The decision was given by Justice Ruffin. Although, as he affirmed, there was no question about a master's right to inflict any kind of corporal punishment short of death on his slave, he still stated the general grounds for such a principle. There had been no prosecutions of masters for such an offense. Against this general opinion of the community the Court ought not to hold. It was erroneously said that the relation of master and slave was like that of parent and child, and it was held that a parent could not commit a cruel battery on his own son. The object of the training of a son was the life of a freeman, and the means to be used was moral and intellectual instruction. With slavery it was otherwise. "The end," ran the decision, "is the profit of the master, his security and the public safety; the subject, one doomed in his own person and his posterity, to live without knowledge and without the capacity to make anything his own, and to toil that another may reap the fruits. What moral considerations shall be addressed to such a being to convince him what it is impossible but that the most stupid must feel and know can never be true—that he is thus to labor upon a principle of natural duty, or for the sake of his own personal happiness. Such services can only be expected from one who has no will of his own, who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else which can operate to produce the effect. The power of the master must be absolute to render the submission of the slave perfect. I most freely confess my sense of the harshness of this proposition. I feel it as deeply as any man can; and as a principle of moral right every person in his retirement must repudiate it. But in the actual conditions of things it must be so. There is no remedy. This discipline belongs to the state of slavery. They [the discipline

and slavery] cannot be disunited without abrogating at once the rights of the master and absolving the slave from his subjection. It constitutes the curse of slavery to both the bond and free portion of our population. \* \* \* The slave, to remain a slave, must be made sensible that there is no appeal from his master; that his power is in no instance usurped; but is conferred by the laws of man at least, if not by the laws of God." The Courts could not fix the punishment due to the violations of duty by the slave. "No man can anticipate the many and aggravated provocations of the master to which the slave would be constantly stimulated by his own passions or the instigations of others to give, or the consequent wrath of the master prompting him to bloody vengeance upon the turbulent traitor—a vengeance generally practiced with impunity because of its privacy." I do not think that one can find anywhere in the annals of modern justice a decision more brutally logical, and more void of that genial spirit of progressive amelioration which should run through a legal development. Justice Ruffin announced his own horror of the decision he was giving and consoled himself with the thought that the softening feeling of the masters in general for the slaves was increasing and with the decreasing numbers of the slaves, would eventually enable the relations of slavery to be more humane—a result more likely to come in this way "than from any rash expositions of abstract truths by a judiciary tainted with a false and fanatical philanthropy." Was it not the duty of the Court to give such a decision that would help on the humanizing process by giving the Courts the right to restrain excessive cruelty of masters towards slaves rather than by crystallizing into a judicial opinion the brutal theory of the harshest days of slavery to scotch the wheels of the progress that it was desired to see abroad?

It was fortunate for the slave, it was fortunate for the State, that this spirit was not permanent in the Supreme

Court decisions. In 1834 the case of the State *vs.* Will,<sup>1</sup> established the distinctly milder principle that a slave who was barbarously attacked by his master might defend himself with physical force. The facts of the case were these: Will was a slave who became angry because another slave was allowed to use a hoe which Will used and had helved in his own time. In his rage he broke the helve and went to his work. When the overseer knew of it he took his gun and rode to the place at which Will was at work. He called the slave to him, who approached humbly with his hat off. Some words were exchanged when Will began to run. Then the overseer fired, making a wound in the back of the fugitive which might have proved fatal. The terrified slave was pursued and caught by the overseer and two slaves, but in the struggle of arrest he cut the overseer with a pocket knife so that the overseer bled to death. All the circumstances showed that Will had acted in supposed self-defense. His plea was manslaughter—one of his counsel was B. F. Moore,<sup>2</sup> then young and unknown, but afterwards one of the leading lawyers of the State. At the outset Mr. Moore was confronted by Judge Ruffin's opinion in the case of the State *vs.* Mann. These sentiments he distinctly challenged. "It is humbly submitted," said he, "that they are not only abhorrent and startling to humanity, but at variance with statute and decided cases." Judge Henderson's opinion in the State *vs.* Reed was quoted to show that the master's power extends only to the services of his slave. Point by point Judge Ruffin's opinion so far as it related to the general relation of master and slave was combated. One eloquent passage will indicate the nature of the attack. Judge Ruffin had said that the slave must be made to realize that in no one instance was the master's power usurped. This, exclaimed Mr. Moore, repressed thought

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<sup>1</sup>See "The Trinity College Historical Society Papers," series II, p. 12; also I Devereaux and Battle, p. 121.

<sup>2</sup>Mr. G. W. Mordecai was also associated with the defense, but Mr. Moore's argument won the case.

and "reduced into perfect tameness the instinct of self-preservation," a result difficult to accomplish and lamentable if accomplished. But if the relation of slavery required "that the slave shall be disrobed of the essential features that distinguish him from the brute, the relation must adapt itself to the consequences and leave its subjects the instinctive privileges of a brute. I am arguing no question of abstract right, but am endeavoring to prove that the natural incidents of slavery must be borne with because they are inherent to the condition itself; and that any attempt to punish the slave for the exercise of a right which even absolute power cannot destroy is inhuman and without the slightest benefit to the security of the master or to that of society at large. The doctrine may be advanced from the bench, enacted by the Legislature, and enforced with all the varied agony of torture and still the slave cannot believe and will not believe that there is no instance in which the master's power is usurped. Nature, stronger than all, will discover many instances and vindicate her rights at any and at every price. When such a stimulant as this urges the forbidden deed punishment will be powerless to proclaim or to warn by example. It can serve no purpose but to gratify the revengeful feelings of one class of people and to influence the hidden animosities of the other."

The opinion was written by Justice Gaston, who two years earlier had said in a public address: "Disguise the truth as we may, and throw the blame where we will, it is slavery which, more than any other cause, keeps us back in the career of improvement."<sup>1</sup> Now he showed himself a humane judge: He said: "Unconditional submission is, in general, the duty of the slave; unquestioned legal power is, in general, the right of the master. Unquestionably there are exceptions to this rule. It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has the right to defend himself against the unlawful attempt of his master to deprive

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<sup>1</sup> Address at Chapel Hill, June 20, 1832, p. 24.

him of life. There may be other exceptions, but in a matter so full of difficulties, where reason and humanity plead with almost irresistible force on one side, and a necessary policy, rigorous indeed, but inseparable from slavery, urges on the other, I fear to err should I undertake to define them." Neither would he define legal provocation, but he did say that a slave's unlawful violence excited by his master's inhumanity ought not to be construed as malice. "The prisoner," said the Court, "is a human being, degraded by slavery, but yet having organs, senses, dimensions, passions like our own." No malice was shown in the evidence and the killing was pronounced manslaughter. It was a notable case and it fixed a humaner spirit in the law of slavery in North Carolina until the end of that institution.

But one more case before the Supreme Court will be mentioned, that of the State *vs.* Jarrot,<sup>1</sup> in 1840. It was declared, that the difference between homicide through malice and homicide through passion was to hold as much in the trial of a slave as in that of a white man; but the same matters which would be sufficient provocation for a free-man would not be sufficient when a slave had killed a white man. Some words of a slave might be so aggravating as to arouse the temporary fury which negatives the charge of malice, "and this rule holds without regard to personal merit or demerit of the white man." The insolence of a slave would justify a white man in giving him moderate chastisement at the moment, but would not authorize an excessive battery, or moderate correction after the insolence was past. The rule that where two parties become angry and fight on equal terms till one kills the other the crime is manslaughter is not to apply to slaves, but to equals only, it being the slave's business to avoid such a contest. But if the battery endangers the slave's life it will reduce homicide by him to manslaughter.<sup>2</sup>

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<sup>1</sup> North Carolina Reports, 23, p. 75.

<sup>2</sup> This decision also was written by Judge Gaston.



In regard to the slave's legal status a curious case has come under my notice. The late Dr. John Manning, widely known as Professor of Law at the State University, told me that Judge Ruffin, the senior, told him that a case was once decided in the North Carolina Supreme Court in which it was held that a white man could not be convicted of fornication and adultery with a slave woman, because such a woman had no standing in the courts. The case, said Judge Ruffin, was decided early in this century, but it was agreed that in the interest of public morality it should not be published.<sup>1</sup>

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<sup>1</sup> Inquiry of the Clerk of the Supreme Court fails to discover the papers in reference to the case ; but since there is no other index to the Supreme Court cases than the printed reports it is quite possible that the papers are preserved, but so lost among a vast number of documents that only a long and careful search would bring them to light.

## CHAPTER II.

### FREE NEGROES AND EMANCIPATION.

*Emancipation.*—During the colonial period emancipation was forbidden except for meritorious conduct to be adjudged by the County Court,<sup>1</sup> and this law was confirmed by the Assembly in 1777 (chap. 6) and further explained in 1796 (chap. 5).<sup>2</sup> At the beginning of the Revolution "some evil-minded persons intending to disturb the public peace" liberated their slaves and left them at large in the community. The authorities in Perquimons and Pasquotank counties took up the negroes and resold them into slavery. The Legislature confirmed these sales and provided that other such slaves at large might be sold in the same way; provided, however, that this law did not extend to such of these negroes as had enlisted in the patriot army.<sup>3</sup>

These slaves had been freed by the Quakers, who were at that time very active in favor of emancipation. Their liberated slaves were going about, said the Assembly, "to the terror of the people of the State." The law which forbade their liberation was a failure, because it left the duty of informing of its violation to freeholders only and made their action optional. To remedy this condition the Assembly in 1788 (chap. 20) gave the duty of informing on such liberated slaves to any freeman, and thus secured the co-operation of the landless whites who were usually strangely willing to have a fling at the slaves and who, no

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<sup>1</sup> See the author's "Slavery and Servitude," pp. 64-66.

<sup>2</sup> When the Superior Courts were created the judging of meritorious conduct was left to them. Revisal of 1821, chap. 971.

<sup>3</sup> Laws of 1779, 2d session, chap. 12.

doubt, were anxious to get the reward offered for such information.

After the San Domingo revolt in 1791 much concern was felt in the Southern States lest the success of the slaves there should inspire attempts at insurrection in the United States. Several new features of the slave law were added, one of which provided that no slave should be liberated unless he could give bond in the sum of £200 that he would remain quiet and orderly.<sup>1</sup>

In 1830 (chap. 9) it was made more difficult to emancipate. Now, the petitioner must notify his intention at the court house and in the *State Gazette* six weeks before the hearing of the petition; he must give bond with two sureties for \$1000 that the said slave should conduct himself well as long as he or she remained in the State, that the slave would leave the State within ninety days after liberation, and the said liberation should invalidate the rights of no creditor. Executors of wills by which slaves were directed to be liberated must secure consent of the courts and take steps to send the negroes out of the State and guard against the loss of creditors. A slave more than fifty years old might be liberated for meritorious conduct to be approved by the Court without subsequently leaving the State, provided that the master swore that the emancipation was not for money and that he gave bond that the negro would conduct himself well and not become a charge on the county. No slave was to be liberated except by this law.<sup>2</sup> This law remained in force till the war.<sup>3</sup> Within the strict conditions herein embraced, ruled the Supreme Court in 1841, it was the policy to facilitate emancipation.<sup>4</sup> Besides this method, slaves were occasionally freed by special Act of the Assembly.

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<sup>1</sup> Laws of 1795, chap. 16.

<sup>2</sup> Revised Statutes, chap. III, secs. 57-64.

<sup>3</sup> Revised Code, chap. 107, secs. 45-53.

<sup>4</sup> Cameron vs. Commissioners of Raleigh (the Rex Will Case), 1 Iredell's Eq., p. 436.

Among the various cases reported from the Supreme Court in regard to emancipation there are several from which the point is obtained that the freedom of slaves could be acquired through prescription. For instance, it was held that when a woman who had once been a slave, but who for thirty years or more, had been treated as a free person, and her daughter with her, then a granddaughter must be free; for it would be proper to infer that so long an enjoyment of freedom must have followed legal emancipation. It was not attempted to fix the time necessary to constitute such liberation by prescription; but in the cases cited thirty and forty years are the periods mentioned.<sup>1</sup>

In *Sampson vs. Burgwin*<sup>2</sup> a decided tenderness for the slave is observed in the Court. Here suit was brought to invalidate the emancipation of a slave, because, being but two years old when liberated and being freed along with her mother, she could not have performed meritorious services. The Court held that the act of liberation was that of "a court of conclusive jurisdiction, and could not be impeached by evidence that she had not and could not perform such services." It also decided that a petition of an owner to free slaves need not be in writing, and that "in an action by a negro to try his right to freedom if evidence of his being reputed to be a freeman is offered it is admissible to show in reply acts of ownership inconsistent with reputation." The opinion was by Ruffin, Chief Justice.

Granting permission to liberate was not liberation, as was held in the case of *Bryan vs. Wadsworth*.<sup>3</sup> Here Elizabeth Bryan, of Craven County, had in 1808 received permission from the County Court to liberate her slave Abram for meritorious services and gave the bond required for the same; but further she did not go. She kept Abram as a slave till 1820, when she sold him. He then sued for

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<sup>1</sup> *Brookfield vs. Stuart*, 6 Jones, p. 156; *Cully vs. Jones*, 9 Iredell, p. 168; *Strange vs. Burnham*, 12 Iredell, p. 41.

<sup>2</sup> 3 *Devereaux and Battle's Law*, p. 28.

<sup>3</sup> 1 *Devereaux and Battle's Law*, p. 384.

his freedom. He lost the case. It was held that only the master could emancipate and that the Court only gave permission to emancipate.

The harshness of the law led to various subterfuges in regard to emancipation. It was attempted to hold slaves in nominal servitude, but in real freedom. This was opposed for the general reason that it increased the free negro class and whenever a case involving such a trick came before the Supreme Court it was severely handled. A case in point was that of the Quakers, which arose as follows: In 1817 William Dickinson conveyed a slave to the trustees of the Quaker society of Contentnea, to be held in a kind of guardianship, to be kept at work but to receive the profits of his labor, and ultimately to be free when his freedom could be effected by the laws of the State. In 1827 the matter was before the Supreme Court. It was in evidence that nothing was said about sending the slave out of the State when he should be freed. On the contrary it seemed to be the purpose of the parties to keep him in the State till free, and then to let him go where he would. The opinion was by Taylor, Chief Justice. He declared that the practice of the Quakers was emancipation in everything but name. By statute a religious society could hold property for its use only, and in a conveyance to it for a purpose forbidden by the policy of the laws nothing was passed. That the Quakers did not hold this slave, or other slaves, for their own use was shown by the fact that slaveholding was against their well-known principles. Justice Hall dissented. He thought a religious society might hold personal property unlimitedly and seems not to have approved of the law which fixed such stringent measures against emancipation.<sup>1</sup> Regardless of this decision, as will be seen later on, the Quakers, as a society, continued to hold slaves for purposes of emancipation.

A case not unlike this occurred in 1822, when Collier Hill left slaves to four trustees, one of whom was "Richard

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<sup>1</sup> Contentnea Society *vs.* Dickinson, 1 Devereaux, p. 189.



Graves, of the Methodist Church," with the injunction to keep the said slaves for such purposes as "they [the trustees] shall judge most for the glory of God and the good of the said slaves." The case came before the Supreme Court, and the opinion declared that such a bequest, "when it could be fairly collected from other parts of the will that the testator did not mean by the bequest any personal benefit to the legatees, was held to constitute them trustees for the purpose of emancipation," and as such purpose was illegal it was held that the trustees take the property in trust for the legal heirs.<sup>1</sup>

In all these cases the cast-iron necessity of keeping slavery unbendingly confined to its present condition, cutting off the least tendency to amelioration, is clearly seen. Slavery absolute—nothing short of it—and as few free negroes as possible; that was the idea.

As time passed this feature of the law became harder. Most severe was a case before the Court in 1849. The facts were these. William Quarry, of Mecklenberg, conveyed by deed absolute to Peoples and others a slave woman Linney, who was married to a freeman. Desiring that she might continue to live with her husband he conveyed to the same parties twelve acres of land with a house on it, presumably for her use. No consideration was paid, although it was duly acknowledged. The defendants claimed that they were absolute owners, that the donor conveyed the woman and her family to provide for her comfort and to prevent the division of the family. They allowed the husband to occupy the house with his wife for a certain rent. They took her and her children under their personal care and agreed to control their conduct. Yet the arrangement would not do at all. It was, said the Court, qualified slavery, and the conveyance was void. Linney and her children were given to the heirs of the donor, and, moreover,

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<sup>1</sup> *Huckaby vs. Jones*, 2 Hawks, p. 720. See also *Stephens vs. Ely*, 1 Devereaux's Equity, p. 497.

the donees were held liable, "with just deductions," for the profits due from her services while in their hands, and because the defendants had attempted to defraud the law they were to pay the costs.<sup>1</sup>

Severe as these cases seem the Court showed that within the range of the fact that the free negro class must not be extended they were disposed to be as humane as possible. In the case of *Redding vs. Long*,<sup>2</sup> a grantor had given slaves in trust during his lifetime and directed the trustee to send them to Liberia after the grantor's death, if they wanted to go. The Court declared that this will was not against the spirit of the laws. "Though slaves have no capacity to make contracts," said the Court, "yet they have both mental and moral capacity to make election between remaining here and being slaves, and leaving the State and being free."

*Free Negroes.*—Slaveholders disliked and feared free negroes because they demoralized the quiet conduct of the slaves. These negroes were under no direct control of the white man. They might aid the slaves in planning a revolt, in disposing of stolen property, in running away, and in any other act of defiance. Privilege after privilege was withdrawn from them. At first they had most of the rights and duties of the poor white man; they fought in the Revolutionary armies, mustered in the militia, voted in the elections, and had the liberty to go where they chose. At length they lost their right to vote; their service in the militia was restricted to that of musicians; and the patrol came more and more to limit their freedom of travel. Taxes and road duty alone of all their functions of citizenship were at last preserved. The story of the appearance of these progressive limitations is not a pleasant one.

It was in 1787 (chap. 6) that the Assembly enacted that no free negro should entertain a slave at his house at night or on Sunday, on penalty of fine. If the fine was not paid the culprit was to be hired out long enough to pay it. The

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<sup>1</sup> *Lemmond vs. Peoples*, 6 Iredell's Equity, p. 137.

<sup>2</sup> 4 Jones' Equity, p. 216.

same law forbade a free negro to marry or to cohabit with a slave without the written consent of the master, and in 1830 (chap. 4, sec. 3) such relations were forbidden even though the master gave his written consent, and the penalty for violation was thirty-nine lashes.<sup>1</sup> In 1795 (chap. 16) free negroes who settled in the State were required to give bond of £200 for their good behavior, in default of which they were sold by the sheriff for the benefit of the public. In 1826 (chap. 13) a free negro was forbidden to be on a ship at night, or on Sunday, without a pass from a justice of the peace, unless, indeed, he were employed there; but the punishment for a violation of this law fell on the captain of the ship. Neither must a free negro trade with a slave, and a free negro must have a license from the County Court to hawk or peddle.<sup>2</sup>

The collection of fines from free negroes was often difficult, and in 1831 (chap. 13) the Legislature enacted that when the Court had reason to believe that a free negro could not pay the fine imposed upon him it might direct that he be hired out to the highest bidder for a time long enough to pay the fine. The bidder who bid the shortest time took the negro. The relation between hirer and hired was to be the same as that between master and apprentice. A free negro was not to be hired out in this way for a longer term than five years. If a longer term was the lowest bid the fine was to be reduced to an amount which five years' service would satisfy.<sup>3</sup> Later it was thought necessary to provide that such a free negro should be well supplied with food, clothing, medicine and lodging; that he should be kept employed in some useful and industrious occupation, that he should not be taken from the county during service, and

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<sup>1</sup> *State vs. Fore*, 1 Iredell, p. 378.

<sup>2</sup> Laws of 1830, chap. 7, and 1831, chap. 28.

<sup>3</sup> The constitutionality of this law was questioned but it was upheld by the Supreme Court. See *State vs. Oxendine*, 1 Devreux and Battle, p. 435, and *State vs. Manuel*, 4 Devreux and Battle, p. 20.

that he should be produced in Court at the end of his service or oftener, if so ordered by the Court.<sup>1</sup>

In 1826 (chap. 21) the relation of the free negro to the State was pretty thoroughly restated by law. With free negroes were now to be included all persons of negro blood to the fourth generation inclusive, though one ancestor in each generation may have been white.<sup>2</sup> It was declared that no free negro should move into the State; and if one did so and did not leave within twenty days after being notified of the provisions of this law he should be fined \$500, or held to labor for ten years or less. After paying such a penalty he must leave within thirty days or suffer a repetition of the punishment. He who brought in a free negro to settle in the State should pay a fine of \$500.<sup>3</sup> Any able-bodied free negro "found spending his or her time in idleness and dissipation, or having no regular or honest employment," was to be arrested and made to give bond for good behavior, in default of which he or she was to be hired out for such a term as the court might think "reasonable and just and calculated to reform him or her to habits of industry or morality, not exceeding three years for any one offense." Furthermore the Courts might bind out the children of such free negroes who were not industriously and honestly employed. Persons hiring free negroes under this act were required to furnish them with proper food and clothing, to treat them humanely, and to teach them some trade or other useful employment. In the later days of slavery<sup>4</sup> the hirer was to give bond to perform this duty, and on failure he was to pay the negro the amount of the bond, and also to lose his services and be liable for a misdemeanor. A further check was placed on the number of free negroes in 1830

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<sup>1</sup> Revised Code, chap. 107, sec. 77.

<sup>2</sup> See *State vs. Dempsy*, 9 Iredell, p. 384.

<sup>3</sup> It was under the operation of this law that Lunsford Lane was driven from the State. See the author's "*Anti-Slavery Leaders of North Carolina*," p. 60.

<sup>4</sup> Revised Code, chap. 107, sec. 77.

(chap. 14) when it was provided that those who were willingly absent from the State for more than ninety days together should not be allowed to return to it. It was a capital offense without benefit of clergy for any person of color to rape a white female.<sup>1</sup> By law of 1830 (chap. 10, sec. 2) a free negro was forbidden to gamble with a slave, or to allow a slave to gamble in his house. A further restraint came in 1840 (chap. 30) when a free negro was forbidden to carry a gun or other deadly weapon without license from the County Court.<sup>2</sup> A free negro was not allowed to sell or to give spirituous liquor to any person whatever,<sup>3</sup> and if a free negro were charged with the support of a bastard child, the Court might order him bound out for such a sum as would maintain the child.<sup>4</sup> Thus it will be seen that in regard to his rights of conduct the free negro was reduced more and more to the position of the slave.

The legal status of the free negro was peculiar. Was he a freeman, or was he less than a freeman? The former he was by logical intent; yet he was undoubtedly denied, as has just been stated, many rights which mark the estate of freemen. At any time in the eighteenth century, I suppose, there would have been no question about the free negro being equally a freeman with the whites. After the severe laws of the third and fourth decades of the nineteenth century opinion changed. It was thus that it was as late as 1844 that the Supreme Court undertook to fix the status of free negroes. It then declared that "free persons of color in this State are not to be considered as citizens in the largest sense of the term, or if they are, they occupy such a position as justifies the Legislature in adopting a course of policy in its acts peculiar to them, so that they do not violate the great principles of justice which lie at the foundation of all law."<sup>5</sup> This position is further illustrated by the opinion of the Court in regard to the free negro's right to

<sup>1</sup> Laws of 1823, chap. 1229.

<sup>2</sup> *State vs. Lane*, 8 Iredell, p. 256.

<sup>3</sup> Laws of 1844, chap. 86.

<sup>4</sup> Revised Code, chap. 107, sec. 76.

<sup>5</sup> *State vs. Newsom*, 5 Iredell, p. 250.



defend himself against physical force. It was held in 1850 that insolence from a free negro to a white man would excuse a battery in the same manner and to the same extent as insolence from a slave.<sup>1</sup> In 1859 the Court became more explicit. It declared that a free negro was in the peace of the State, and added at length: "So while the law will not allow a free negro to return blow for blow and engage in a fight with a white man under ordinary circumstances, as one white man may do with another or one free negro with another, he is not deprived absolutely of the right of self-defense, but a middle course is adopted" by which he must prove "that it became necessary for him to strike in order to protect himself from great bodily harm or grievous oppression."<sup>2</sup>

More important still is the history of free negroes and suffrage.<sup>3</sup> The first State Constitution provided that freeholders should vote for members of the State Senate and freemen for members of the House of Commons. By statute a freeholder was one who owned in fee or for life fifty acres of land. When the Constitution began to operate it was a day of strenuous danger. Free negroes were enlisted in the patriot armies, and discharged the other burdens of government. They were admitted also to the privileges of citizenship. Negro freemen voted for members of the Commons and when they were freeholders they voted for members of the Senate. Having formed political alliances they found protectors in their party allies, and, eventually, foes in their party opponents. As they became more and more the object of suspicion there was a stronger demand for their disfranchisement. In some localities they ceased to vote at all. This was probably where the political party with which they affiliated was in the minority. In many communities they voted and were protected by their friends.

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<sup>1</sup> *State vs. Jowers*, 11 Iredell, p. 535.

<sup>2</sup> *State vs. Davis*, 7 Jones, p. 52.

<sup>3</sup> See the author's paper on "Suffrage in North Carolina," Report of the American Historical Association, 1895, pp. 272-3.

Of course, where they did not vote it was through their own will—whether it was influenced by choice or by fear of the whites. Unquestionably, they were not a desirable class of voters. In Granville County, it is said, they lost the favor of the people because they persistently voted for one Potter, a demagogue of plausible speech, who had not the respect of the best whites. At length it came to be regarded as a blot on a man's political record to have the support of the free negroes. It was not unusual for candidates to twit one another with such support and for the one to reply that he would give up the negro vote if the other would do the same.<sup>1</sup>

In the triumph of the pro-slavery views, about 1830, the free negro was destined to lose the franchise. The matter came to a head in the Constitutional Convention of 1835. Already a law had been passed to forbid the free negro to hold office in the State. I do not know just how the act which called the Constitutional Convention came to include in the objects of the convention the consideration of the disfranchisement of free negroes. Perhaps it was a compromise wrung from the men of the West by those of the East in order to get popular representation. Its consideration was made optional. There were many friends of the black man in the convention, but the majority was against him. Realizing their position they tried to secure a law which would save the franchise to the more industrious and intelligent of the free negroes. It was therefore proposed to limit the right to vote to such of this class as had a freehold estate worth \$250. The debate on this proposition was long. It was argued by the affirmative that this would be an incentive to the thrift and good conduct of the free negroes; that it would make the better men in that class friends of the whites in case of slave riot; that many free negroes had fought in the Revolution; that they usually

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<sup>1</sup> See David Dodge: "The Free Negroes of North Carolina," *The Atlantic*, Jan., 1886. David Dodge is O. W. Blacknall, Esq., Kirtrels, N. C.

voted for good men when they voted, and that if they were taxed they ought to vote. It was admitted that the bill of rights was intended to apply to white men only; but, it was said, expediency demanded the present concession. It was not denied that the prejudice against these people was justified by the unworthiness of many of them; but the whites were largely responsible; for, it was added, "the whites are the principal corrupters of the morals of these people." Mr. Shober, of Surry, an extremely western county, was more outspoken. He said that it was sufficient for him that a free negro was a human being, that he had a will and was a free agent. If held liable for taxes and other burdens he ought to have some privileges. Said Mr. Giles: "It was charged that the vote of the free negro could be purchased—purchased by whom? Undoubtedly by white men. The Legislature had been remiss in its duty to the free negroes. Instead of improving their situation they appear to have acted on a principle of hostility toward them." The convention ought to do something to raise them from their degradation. Judge Gaston also spoke for the negro. After Macon he was the most distinguished man in the convention. The question, said he, was not the giving of a right but the taking of one away. He was willing to restrict the right of suffrage; but those free negroes who possessed freeholds were honest men and perhaps Christians and they should not be politically excommunicated on account of their color. "Let them know that they are part of the body politic, and they will feel an attachment to the form of government, and have a fixed interest in the prosperity of the community, and will exercise an important influence over the slaves."

On the other hand, it was argued that a free negro was not a citizen, and that if he had ever voted it was illegally. Being called freemen in the abstract did not confer on them the dignity of citizenship. Fighting in the Revolution did not make them citizens any more than it made citizens of the slaves, many of whom fought in the Revolution. The

lot of the free negro was not a hard one. "It far surpassed the nondescript situation of the ancient Helots and villeins, or the ignoble condition of the oppressed peasants of Poland." A slave was not a citizen. When was a freed slave naturalized? And until naturalized could he be a citizen? Citizens of one State have privileges of citizens in the other States, and yet North Carolina severely restricted their coming to its borders, thus implying that they were not citizens. It was granted that the better class would suffer hardship in losing the right of suffrage, yet the interest of a few must yield to the general good. Although, it was said, free negroes voted elsewhere in the State, yet the privilege was not allowed to those in the eastern counties, and they had accepted the restriction "with cheerfulness and contentment." The cold logic of the views of the majority was stated by Mr. Bryan, of Carteret, as follows:

"This is, to my mind, a nation of white people, and the enjoyment of all civil and social rights by a distinctive class of individuals is purely permissive, and unless there be a perfect equality in every respect it cannot be demanded as a right. \* \* \* It may be urged that this is a harsh and cruel doctrine, and unjust, and by no means reciprocal in its operation. I do not acknowledge any equality between the white man and the free negro in the enjoyment of political rights. The free negro is a citizen of necessity and must, as long as he abides among us, submit to the laws which necessity and the peculiarity of his position compel us to adopt."

Mr. McQueen, of Chatham, continued the argument: The Government of North Carolina did not make the negro a slave, said he. It gave the boon of freedom, but did that carry the further boon of citizenship? "Is there any solid ground for the belief that a free mulatto can have any permanent interest with, and attachment to, this country? He finds the door of office closed against him by the bars and bolts of public sentiment; he finds the circle of every

respectable society closed against him; let him conduct himself with as much propriety as he may, he finds himself suspended between two classes of society—the whites and the blacks—condemned by the one and despised by the other; and when his favorite candidate in the election prevails, it communicates no gratification in his breast, for the candidate will be a white man, and he knows full well that the white man eyes him with contempt.” More relentless still was Mr. Wilson, of Perquimons. He said: “A white man may go to the house of a free black, maltreat and abuse him, and commit any outrage upon his family, for all of which the law cannot reach him, unless some white person saw the act committed—some fifty years of experience having satisfied the Legislature that the black man does not possess sufficient intelligence and integrity to be intrusted with the important privilege of giving evidence against a white man. And after all this shall we invest him with the more important rights of a freeman?”

After the discussion had continued two days, the matter was carried against the free negro by a vote of 65 to 62. It was the strongly slaveholding East that carried the vote; for, of the majority, 47 votes were eastern and 18 were western, while of the minority 40 were western and 22 eastern. The amendment to the Constitution as finally adopted read: “No free negro, free mulatto, or free person of mixed blood, descended from negro ancestors to the fourth generation inclusive (though one ancestor of each generation may have been a white person) shall vote for members of the Senate or House of Commons.”

There were more free negroes in North Carolina in 1860 than in any other State except Virginia. Rigorous as they were the North Carolina laws against these people were more lenient than the laws of Virginia or of any other State. Consequently many free negroes quietly crossed into the former State and settled there undisturbed in the northern or southern counties. They took the poorest land. Usually they rented a few acres; often they bought a small



"patch," and on it dwelt in log huts of the rudest construction. In either case they supplemented their resources by following some simple trade. They were well-diggers, shoemakers, blacksmiths, fiddlers, hucksters, pedlers, and so forth. Besides, they were easily called in to help the whites on occasions of need. There were a very few who accumulated money and some of these became slave-owners. Although it was against the law for them to come into the State, their arrival was tolerated both because the law was recognized as severe and because their services were wanted in the community. Many of them had Indian blood in their veins, and when such was the case they were a little distant towards the slaves. Unambitious, often immoral, they were of the least value to society, which, indeed, offered them no inducement to be better than they were. They usually were on terms of friendship with that other class of incompetents, the "poor whites." Sometimes these two classes lived on terms of sexual intimacy. In Granville County there was a pretty well authenticated story of a white woman who had her colored lover bled and drank some of the blood so that she might swear she had negro blood in her and thus be enabled to marry the object of her affection. She succeeded in her purpose and the couple lived to rear a family of children.<sup>1</sup> I have been speaking of free negroes who lived in the country districts. In towns they fared better and accumulated wealth.

Regardless of the severe laws there were not a few free negroes who acquired wealth and consideration. Of this class were notably Rev. John Chavis, Lunsford Lane and John C. Stanley. The first of these will be noticed in another chapter, the second has been treated by the author with much fulness elsewhere,<sup>2</sup> and here I shall speak of the third only.

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<sup>1</sup> David Dodge [O. W. Blacknall] in *The Atlantic Monthly*, Jan., 1886.

<sup>2</sup> "Anti-slavery Leaders of North Carolina," p. 60.

John C. Stanley was a mulatto, the son of an African born slave woman, who was brought to Newbern, N. C. (from the West Indies), before the Revolutionary War. He was a barber by trade and throughout his days of manhood was known as "Barber Jack." He was a faithful servant, and in 1808 he was liberated by the General Assembly on petition of Mrs. Lydia Stewart, into whose possession he had come. He soon began to acquire negro slaves and land till at length he had sixty-four slaves and as many more bound free negroes working his several plantations. Says Col. John D. Whitford: "He was popular, too, with both slave and free negroes generally, notwithstanding he was a hard taskmaster. Yes, he worked all well and fed and clothed indifferently."<sup>1</sup> He married a moor, a copper colored woman who was not a slave. He got his start in the barber business—although he made much of his money by discounting notes. Certain white men of means who did not care to go openly into the business of sharp discounting, took him for a partner and furnished the means. He had three sons, John, Alexander and Charles. John became an expert bookkeeper and was employed in that capacity by a prominent firm. John C. Stanley amassed a fortune supposed to be worth more than \$40,000; but in his old age he lost much of it by bad management. His family held themselves aloof from the other negroes of the community. They were members of the Presbyterian Church, to which Mrs. Stewart, his former mistress, had belonged. This lady lived till 1822, and when old and feeble could be seen on the streets in fine weather supported on the arm of her faithful old servant—now fourteen years a freeman. Thus she took the air and thus she went to church on Sunday. When the couple had arrived at the church, John would conduct her to

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<sup>1</sup> See Raleigh, N. C., *Morning Post*, Dec. 5, 1897. Other facts not mentioned by Col. Whitford are from statements made to the writer by Maj. D. W. Hurt, Goldsboro, N. C.

her pew and then leave her to take his seat with his own family in the place assigned to colored people.

Many of the free negroes were in circumstances of independent thrift, and from many parts of the State I have had evidence that some negroes were slaveholders. In Newbern especially there were a number of such thrifty colored men. Notable among these was John Good. He was a son of his master and for a long time a slave. When the master died, his two surviving children, who were daughters, had but little property besides this boy, John, who was a barber. John took up the task of supporting them. He boarded them in good houses and otherwise provided for them well. His faithfulness won him many friends among the best citizens, and when both of his mistresses were married these friends united to persuade the owners to liberate him as a reward for his services. Unfortunately, freedom proved no boon. He fell into bad habits, took to drink and soon died. There were other thrifty and notable free negroes in the same place, as, for example, John Y. Green, a carpenter and contractor; Richard Hazel, a blacksmith of means; Albert and Freeman Morris, described as two "nice young men," and thoroughly respected, tailors by trade; and Scipio, slave of Dr. Hughes, who was a blacksmith and owner of a livery stable. Another was Fellow Bragg, a tailor who was thoroughly conscientious and so good a workman that prominent people were known to move their custom to the shops at which he was employed in order that he might work on it. Most of these men moved to Cincinnati sooner or later. What became of them after that I do not know.<sup>1</sup> The conditions here recorded for Newbern were not unusual for North Carolina towns in general. Everywhere there were usually a number of prosperous free negroes. Most of them were mulattoes, not a few of them were set free by their fathers and thus they fell easily into the life around them.

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<sup>1</sup>The facts in this paragraph are from Maj. D. W. Hurt, formerly of Newbern, but now of Goldsboro, N. C.

This mulatto class was partly due to the easy sexual relations between the races. A white man who kept a negro mistress ordinarily lost no standing in society on account of it. The habit, though not common, was not unusual. Often the mistress was a slave, and thus there were frequent emancipations either by gift or by purchase of liberty, till the stricter spirit of the laws after 1831 checked it.

### CHAPTER III.

#### RELIGIOUS LIFE.

I have already said that the central idea of slavery in North Carolina was a determination to perpetuate the institution, whatever the price, and at the same time a disposition to make it as gentle as possible for the slave, provided that doing so did not tend to loosen his bonds. This same idea is found in the master's regulation of the religious life of the slave. Without question he was willing to make the slave a Christian. He was anxious to do it. He spent money with more or less bountifulness to do it. This was sometimes done by men who were not Christians themselves, but who wanted their slaves to be Christians for the purposes of discipline; but oftener it was done out of pure benevolence, and with a devout purpose to accomplish the spiritual welfare of the negro. Persons who have formed their opinions of Southern society from the popular works of certain novelists are apt to think of the slave-owner as a fine-bred gentleman of cavalier instincts and patriarchal feelings. Such an estimate is but half true. There was in the South—in North Carolina it was very strong—a large class of slave-owners who approached more nearly to the English farmer type than to the English gentleman type. They were usually self-made men, of fair intelligence, and of some education. They were generally thrifty and often wealthy. The majority of them were Christians, mostly of the Methodist, Baptist and Presbyterian Churches. This class of men has received but little attention from those who have written of Southern society, and yet it was the backbone of that society. There was little that was ideal about such men. They were humdrum, but they were honest,



pious and substantial, and they were numerous. Such people are to be compared, not only in wealth, but in general social development as well, with the upper farmer class in the North and West. I do not mean to say that they were all of the South. The planter class, in the ordinary use of the term, was there, and it was the governing class and the class that touched the outside world. It went to summer resorts, and to Congress, and to political conventions, and it got into novels, and sometimes into history, and it was usually benignly patriarchal, but the farmer class as a class came closer into touch with the slave and in a hundred ways softened the harshness of an institution which no one knew how to modify in law.

It was, indeed, in a harsh spirit that the law came at last to regulate the religious relations of the slave. In the beginning, when the slaves were just from barbarism and freedom, it was thought best to forbid them to have churches of their own. But as they became more manageable, this restriction was omitted from the law<sup>1</sup> and the churches went on with their work among the slaves. A large number of negroes were converted and taken into church membership, some of the more intelligent negroes were taught to read and were licensed to preach. Some churches made a specialty of work among the slaves. Often negro preachers held services with their own race and sometimes established separate congregations, though the latter was not the rule. The advantage of this system was that it was developing the negro into self-dependence religiously, but doing it under the intimate oversight of the whites among whom he was interspersed. Never before or since was the relation between the negro and his white neighbors so auspicious. The change came openly in 1830, when a law was passed by the General Assembly which destroyed the hopes of all those who were favorable to this movement. It was enacted that no free person or slave should teach a slave

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<sup>1</sup> See the author's "Slavery and Servitude," p. 50.

to read or write, the use of figures excepted, or give to a slave any book or pamphlet.<sup>1</sup> This law was no doubt intended to meet the danger from the circulation of incendiary literature, which was believed to be imminent; yet it is no less true that it bore directly on the slave's religious life. It cut him off from the reading of the Bible—a point much insisted on by the agitators of the North—and it forestalled that mental development which was necessary to him in comprehending the Christian life. The only argument made for this law was that if a slave could read he would soon become acquainted with his rights. Caruthers thought it a shame that a Christian people would make such arguments. "How dare you," he exclaims, "by your impious enactments doom millions of your fellow-beings to such a gross and perpetual ignorance!"<sup>2</sup> A year later a severer blow fell. The Legislature then forbade any slave or free person of color to preach, exhort, or teach "in any prayer-meeting or other association for worship where slaves of different families are collected together" on penalty of receiving not more than thirty-nine lashes.<sup>3</sup> The result was to increase the responsibility of the churches of the whites. They were compelled to abandon the hope of seeing the negro make his own evangel and to take on themselves the task of handing down to the slaves religious instruction in such a way that it should be comprehended by their immature minds and should not be too strongly flavored with the bitterness of bondage. With the mandate of the Legislature the churches acquiesced.

As to the preaching of the dominant class to the slaves it always had one element of disadvantage. It seemed to the negro to be given with a view to upholding slavery. As an illustration of this I may introduce the testimony of

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<sup>1</sup> Revised Statutes, pp. 209, 578, and Revised Code, p. 218.

<sup>2</sup> See the unpublished manuscript of E. W. Caruthers's book on "Slavery," p. 396. It is preserved in the library of Greensboro Female College, Greensboro, N. C.

<sup>3</sup> Revised Statutes, p. 580, and Revised Code, p. 576.

Lunsford Lane. This slave was the property of a prominent and highly esteemed citizen of Raleigh, N. C. He hired his own time and with his father manufactured smoking tobacco by a secret process. His business grew and at length he bought his own freedom. Later, he opened a wood yard, a grocery store and kept teams for hauling. He at last bought his own home, and had bargained to buy his wife and children for \$2500, when the rigors of the law were applied and he was driven from the State. He was intelligent enough to get a clear view of slavery from the slave's standpoint. He was later a minister, and undoubtedly had the confidence and esteem of some of the leading people of Raleigh, among whom was Governor Morehead. He is a competent witness for the negro. In speaking of the sermons from white preachers he said that the favorite texts were "Servants, be obedient to your masters," and "he that knoweth his master's will and doth it not shall be beaten with many stripes." He adds, "Similar passages with but few exceptions formed the basis of most of the public instruction. The first commandment was to obey our masters, and the second was like unto it; to labor as faithfully when they or the overseers were not watching as when they were. I will not do them the injustice to say that connected with this instruction there was not mingled much that was excellent." All this was natural. To be a slave was the fundamental fact of the negro's life. To be a good slave was to obey and to labor. Not to obey and not to labor were, in the master's eye, the fundamental sins of a slave. Such a condition was inherent in slavery. On the other hand, many of the more independent negroes, those who in their hearts never accepted the institution of slavery, were repelled from the white man's religion, and thus the support of a very valuable portion of the race was lost. This condition of affairs was not to be entirely remedied by having negro preachers; but it might have been ameliorated by it, and if, in the long course of time, the church work among the slaves could have been done entirely by

negro preachers acting under white supervision the salvation of the slave would have been very near its accomplishment.

As it was, it is no doubt true that many slaves were reached by religious influences. Through the teachings of the church many were enabled to bend in meekness under their bondage and be content with a hopeless lot. There are whites to whom Christianity is still chiefly a burden-bearing affair. Such quietism has a negative value. It saves men from discontent and society from chaos. But it has little positive and constructive value. The idea of social reform which is also associated with the standard of Christian duty was not for the slave. Those very few who, like Lunsford Lane, did work themselves heroically to freedom were acting on principles not usually preached from the pulpit in the latter part of our period.

How a slave looked at the religion that was brought to him may be seen from the following words of Lunsford Lane, who seems to have been a consistent Christian :

I was permitted to attend church, and this I esteem a great blessing. It was there I received much instruction, which I trust was a great benefit to me. I trusted, too, that I had experienced the renewing influences of divine grace. I looked upon myself as a great sinner before God, and upon the doctrine of the great atonement, through the suffering and death of the Saviour, as a source of continual joy to my heart. After obtaining from my mistress a written permit, a thing always required in such cases, I had been baptized and received into fellowship with the Baptist denomination. Thus in religious matters I had been indulged in the exercise of my own conscience; this was a favor not always granted to slaves. There was one hard doctrine to which we as slaves were compelled to listen, which I found difficult to receive. We were often told by the minister how much we owed to God for bringing us over from the benighted shores of Africa and permitting us to listen to the sound of the gospel. In ignorance of any special revelation that God had made to master, or to his ancestors, that my ancestors should be stolen and enslaved on the soil of America to accomplish their salvation, I was slow to believe all my teachers enjoined on this subject. How surprising, then, this high moral end being accomplished, that no proclamation of emancipation had before this been made ! Many of us

were as highly civilized as some of our masters, and, as to piety, in many instances their superiors. I was rather disposed to believe that God had originally granted me temporal freedom, which wicked men had forcibly taken from me—which now I had been compelled to purchase at great cost. \* \* \* There was one very kind-hearted clergyman whom I used often to hear; he was very popular with the colored people. But after he had preached a sermon to us in which he urged from the Bible that it was the will of Heaven from all eternity that we should be slaves, and our masters be our owners, many of us left him, considering, like the doubting disciple of old, "This is a hard saying, who can hear it?"<sup>1</sup>

Dr. Caruthers, whose long pastorate in Guilford ought to have given him good grounds for speaking, said that slaves knew little of the Bible, except as they picked it up from others, "and that little," he adds, "they don't know half their time whether to believe or disbelieve. It is often said that many of them become very pious people, and although we can't know the heart, charity would lead us to believe or hope so; but no thanks to slavery or the slave laws." It was the Lord's work. The negroes who were spoken of as pious, said he, did not have "those enlarged views or that expansion of soul which is always imparted by scriptural and enlightened sentiments of immortality."<sup>2</sup>

All the churches of North Carolina, so far as I have been able to ascertain, received freely negro members. Every church had its space reserved for negroes. It was almost invariably in the gallery, if there was one, or in the back of the church, if there was no gallery. In the ceremony of the Lord's Supper, after the whites had partaken, the sacrament was administered to the negro members. In many churches, particularly of Methodist and Baptist denominations, which had often many colored communicants, there was a special service in the afternoon by the white preacher for the negroes. It was to these two churches that most of the negroes joined themselves, although there were some in each of the other leading bodies. There was much reason

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<sup>1</sup> See Hawkins' "Memoir of Lunsford Lane," 64-66.

<sup>2</sup> See manuscript book on "Slavery," p. 294.



for this. These two churches in North Carolina were organized for the masses. Their doctrines were easily comprehended and emotional; and the negro is a creature of emotions. Moreover these bodies made special efforts to reach the negroes. They went among the large slave plantations as missionaries. Other denominations paid more attention to household slaves. In not a few cases Methodism began with negro congregations and in at least one place it was introduced by a negro preacher. But true as it was that the Methodists and Baptists attracted the negroes more strongly, it was perhaps equally true that the Quakers, in proportion to their own numbers, were more closely intimate with the negroes than any other religious body in the State. Of this more will be said later on. Let us now consider the Methodists and the slave.

In the eighteenth century the record of the Methodists was clearly against slavery. John Wesley himself said that the slave trade was the sum of all villainies, although Whitefield was not opposed to it. The anti-slavery sentiment was strongest in the Northern Conferences, although it was not unknown in the Southern. As early as 1780 the Conference of all the Church declared: "Slavery is contrary to the laws of God, man and nature and hurtful to society, contrary to the dictates of conscience and pure religion, and doing that which we would not that others should do to us and ours."<sup>1</sup> In 1784 the Conference resolved to expel from membership those who bought and sold slaves.<sup>2</sup> This step was calculated to arouse much opposition in the South among the laymen, even if the preachers had favored it. It occasioned much criticism and aroused much feeling in both Virginia and the two Carolinas. In the spring of 1875, Dr. Coke arrived in America. He preached strongly against slavery and got the Virginia Conference to petition the Legislature for gradual emancipation. This made him very unpopular, so much so that he barely escaped bodily violence. The slaveholders now withdrew their slaves from

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<sup>1</sup> Conference Minutes, p. 25.

<sup>2</sup> *Ibid.*, pp. 47-48.

contact with Methodist preachers.<sup>1</sup> The Conference of 1785 thought it prudent to rescind its former action, but was particular to add: "N. B.—We do hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and prudent means."<sup>2</sup> So far as an open declaration for emancipation is concerned, the Conference was quiet for some time; but in 1795 it showed its concern in the negro's welfare by setting apart a fast day "to lament the deep-rooted vassalage that still reigneth in many parts of this free and independent United States," and it added: "We feel gratified that many thousands of these poor people are free and pious."<sup>3</sup>

As the Church became strong enough to organize Conferences, in the various sections the question of the existence of slavery was referred to these bodies and thus localized to an extent. But one particular question that concerned all was the propriety of allowing a preacher to hold slaves. As early as 1783 the Conference forbade a preacher to own slaves in a State where it was legal to free them.<sup>4</sup> Much discussion grew up over this matter early in the present century. Finally it was settled on the lines earlier adopted. It was agreed in 1816 that no slaveholder should hold office in States which allowed emancipation and subsequent residence of the liberated negro. Here was a distinct compromise fixed on the principle of sectional conditions, the principle which four years later the Missouri compromise followed in the broader sphere of politics.<sup>5</sup> The Church continued the former strong declaration against slavery in the abstract, a declaration which, it was likely, was supported by Southern preachers. It was on the compromise of 1816 that the fight which led to separation in 1844 was made.

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<sup>1</sup> Drew: "Life of Dr. Coke," pp. 132-139.

<sup>2</sup> Conference Minutes, p. 55.

<sup>3</sup> *Ibid.*, pp. 163-164.

<sup>4</sup> *Ibid.*, p. 41, and the Discipline of 1821, p. 69.

<sup>5</sup> See the Discipline of 1817 and Redpath's "Organization of the Methodist Episcopal Church South," p. 10.

The occasion was the censure voted against Bishop Andrew because he had married in Georgia a woman who owned slaves. The Southern organization which was now formed continued its protest against slavery. The first edition of its Discipline, 1846, said in the words of the older Discipline: "We declare that we are as much as ever convinced of the great evil of slavery. Therefore, no slaveholder shall be eligible to any official position in our Church hereafter where the Laws of the State in which he lives will admit of emancipation and permit the liberated slave to enjoy freedom. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our Church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformable to the laws of the State in which he lives." Furthermore, preachers were to enforce prudently on their members the duty of teaching slaves to read the Bible and to attend church services. Colored preachers and officials were guaranteed the privileges of their official relation "where the usages of the country do not forbid it." Of all of these ameliorating conditions to the slave but one was applicable in North Carolina; for here he could not be legally emancipated and remain in the State, nor could he be allowed to preach or be taught to read the Bible. It only remained for him to aspire to be some church official lower than a preacher. The original strong desire to christianize the negro, which the Methodists never forsook, was clearly bound and held in restraint in conformity to the newer spirit of harshness that, as has already been said, seized the State Legislature about 1830.

The labors of the Methodists among the slaves began in the very first days of Methodism in the State. The General Conference in 1787<sup>1</sup> urged the preachers to labor among the slaves, to receive into full membership those that seemed

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<sup>1</sup>See Minutes of Conference, p. 67. The Methodist Church in America dates from 1784.

worthy, and "to exercise the whole Methodist Discipline among them." How well these efforts prospered may be seen from the following figures: In 1787 there were in North Carolina<sup>1</sup> 5017 white and 492 colored members; in 1788 there were 5263 white and 775 black members; in 1789 there were 6644 whites and 1139 blacks; in 1790 there were 7518 whites to 1749 blacks; in 1795 there were 8414 whites to 1719 blacks; in 1800 there 6363 whites to 2108 blacks; in 1805 there were 9385 whites to 2394 blacks; in 1810 there were 13,535 whites to 4724 blacks; in 1815 there were 14,283 whites to 5165 blacks; in 1820 there were 13,179 whites to 5933 blacks; in 1825 there were 15,421 whites to 7292 blacks; in 1830 there were 19,228 whites to 10,182 blacks; in 1835 there were 27,539 whites to 8766 blacks, and in 1839, which is the last year for which I have been able to obtain the figures, there were 26,405 whites to 9302 blacks. Here was a rapid proportional gain of the blacks over the whites. In 1787 there were not 10 per cent. as many black as white members; in 1839 there were 35 per cent. as many. The membership for each race varied notably, but the variations were wider with the negro race. This indicates, it must be supposed, the more emotional nature of the negro. A wave of revival feeling which would sweep over the country would swell the roll of membership and a few years of coolness would contract it.

Although there were negro Methodists in most sections of the State, they were most numerous in the eastern counties. In this section the Methodists often began their work with an appeal to the slaves—"negro churches," their meeting houses were often called by the more aristocratic denominations. An illustration is Wilmington. Here William Meredith, a Methodist preacher, arrived at the beginning of this century. He began to work among the

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<sup>1</sup> The estimates are based on reports in the Minutes. It is doubtful whether some charges near the State boundaries were in North Carolina or out of it. Therefore, the figures may not be absolutely correct, but for purposes of comparison they are adequate.

slaves. He bought a lot, and through the penny collection from the blacks and the scanty contributions of the few poorer whites who had joined with him, a building was completed. This was the beginning of Methodists in the town. Hither came Bishop Francis Asbury in 1807 and preached twice in one day. On the same day, John Charles, a colored preacher, preached at sunrise. The feeling of friendship for him seems to have been great and the good Bishop writes in his journal that it was "a high day on Mount Zion." The attitude of the community was not always tolerant of this "negro church." There were various disturbances, and once the building was wrecked by a mob.<sup>1</sup>

More striking, but not so typical, is the story of the planting of Methodism in Fayetteville. Late in the eighteenth century, Fayetteville had but one church organization, the Presbyterian, and that had no building. One day there arrived in town Henry Evans, a full-blooded free negro from Virginia, who was moving to Charleston, S. C., where he proposed to follow the trade of shoemaking. He was perhaps free born; he was a Methodist and a licensed local preacher. In Fayetteville he observed that the colored people "were wholly given to profanity and lewdness, never hearing preaching of any denomination." He felt it his duty to stop and work among them. He worked at his trade during the week and preached on Sunday. The whites became alarmed and the Town Council ordered him to stop preaching. He then met his flock in the "sand hills," desolate places outside of the jurisdiction of the Town Council. Fearing violence he made his meetings secret and changed the place of meeting from Sunday to Sunday. He was particular to violate no law, and to all the whites he showed the respect which their sense of caste superiority demanded. Public

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<sup>1</sup>See "Early Methodism in Wilmington," by Dr. A. M. Chreitzberg, in the Annual Publication of the Historical Society of the N. C. Conference, 1897, p. 1; also Wightman: "Life of Bishop Capers," p. 136.



opinion began to change, especially when it was noticed that slaves who had come under his influence were more docile for it. Some prominent whites, most of whom were women, became interested in his cause. They attended his meetings and through their influence public opinion was reversed. Then a rude frame building was erected within the town limits and a number of seats were reserved for the whites, some of whom became regular attendants at his services. The preacher's reputation spread. The white portion of the congregation increased till the negroes were crowded out of their seats. Then the boards were knocked from the sides of the house and sheds were built on either hand and in these the blacks were seated. By this time the congregation, which had been unconnectional at first, had been taken into the regular Methodist connection and a regular white preacher had been sent to it. But the heroic founder was not displaced. A room was built for him in the rear of the pulpit and there he lived till his death in 1810.

Of Henry Evans, Bishop Capers said: "I have known not many preachers who appeared more conversant with the Scriptures than Evans, or whose conversation was more instructive as to the things of God. He seemed always deeply impressed with the responsibility of his position \* \* \* nor would he allow any partiality of friends to induce him to vary in the least degree from the lines of conduct or the bearing which he had prescribed to himself in this respect; never speaking to a white man but with his hat under his arm, never allowing himself to be seated in their houses and even confining himself to the kind and manner of dress proper for slaves in general, except his plain black coat in the pulpit. 'The whites are kind and come to hear me preach,' he would say, 'but I belong to my own sort and must not spoil them.'" Rare self-control before the most wretched of castes! Henry Evans did much good, but he would have done more good had his spirit been untrammelled by this sense of inferiority.

His last speech to his people is noteworthy. Directly after the morning sermon for the whites it was customary to have a sermon for the blacks. On the Sunday before Evans' death, as the latter meeting was being held the door of his little shed room opened and he tottered forward. Leaning on the altar rail he said: "I have come to say my last word to you. It is this: None but Christ. Three times I have had my life in jeopardy for preaching the gospel to you. Three times I have broken the ice on the edge of the water and swam across the Cape Fear to preach the gospel to you, and if in my last hour I could trust to that, or anything but Christ crucified, for my salvation, all should be lost and my soul perish forever." Of these words Bishop Capers justly says that they were worthy of St. Paul.<sup>1</sup>

The opposition that was encountered in Fayetteville and in Wilmington had been due to the more active abolition turn of the Church in the North. In 1785 Dr. Coke arrived in America on a visit to the Church. He preached abolition and gave it an impetus among the Methodists which resulted in memorials and remonstrances to the Legislature. Before this the large slave-owners had encouraged preaching to their slaves.<sup>2</sup> They now became fearful that the slaves would be incited to violence, and generally in the South, Methodist ministers were forbidden access to the slaves. It took some time to live down this unfavorable impression and it was only when it was seen that the Southern preachers did not approve of the interference with the agitation against negro slavery that public sentiment came around. There was the most urgent need for such preaching. Of the negroes around Wilmington, Bishop Capers says: "A numerous population of this class in that town and vicinity were as destitute of any public instruction (or, probably, instruction of any kind as to spiritual things) as if they had not been believed to be men at all, and their

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<sup>1</sup> Wightman: "Life of Bishop Capers," pp. 124-129.

<sup>2</sup> Drew: "Life of Dr. Coke," pp. 132-139.

morals were as depraved as, with such a destitution of the gospel among them, might have been expected." To this state of things the masters were indifferent; for, adds the Bishop, "it seems not to have been considered that such a state of things might furnish motives sufficient to induce pure-minded men to engage, at great inconvenience or even personal hazard, in the work of reforming them. Such work, on the other hand, seems to have been regarded as unnecessary, if not unreasonable. Conscience was not believed to be concerned in it."<sup>1</sup> And yet when conveyed the negroes made good Christians. Says the same authority: "I believe I have never served a more Christian-hearted people." The preacher had a great influence over them. Church trials were rare among them and the numbers increased constantly. They were faithful in giving to the church. The pastor's salary at Wilmington was derived almost wholly from their scant resources; for the few white members were very poor. They were attached to their preacher, as many a pound cake or warm pair of knit socks or gloves from their hands testified.

Sometimes a congregation outgrew in dignity the humbler persons who had at first constituted its chief elements. Such was the case at Raleigh. Here there were at first a large number of colored members, and when the church building was erected they contributed their part. They were given seats in the gallery. At length there was an opportunity to buy a church which might be turned over solely to the negroes. Both whites and blacks worked with their might to get the necessary money. When it was at length secured, there was a two-fold rejoicing; by the negroes because they had a building of their own, by the whites because the negroes were out of the white man's church. This negro church now became a mission and a white preacher was assigned to it by the Conference. Usually an old preacher of kind disposition and good judgment was sent to them. They were still under the oversight of the white

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<sup>1</sup> Wightman: "Life of Bishop Capers," p. 163.

congregation from which they drew for Sunday school teachers and other church workers.

The Baptists were early in North Carolina, but until the establishment of the Missionary Baptist Church in 1830 they were hardly as zealous for converting the unsaved as later. I have not found evidence that they began by working up congregations among the slaves as did the Methodists in some places, but from the first they took great care to bring under religious influence the slaves of their own members and through these the negroes generally came to be reached at length. The records of Sandy Run Church, in Bertie County, as early as 1773, show that there were negro preachers for the negro members, and that these were instructed not to hold services at the time of the regular meeting of the whole church, at which it was designed that the slaves might also be present. Both colored preachers and colored members were under the control of the white congregation. They had no voice in general church affairs, but would be heard in church meeting in cases which related to their own race. There were in some eastern sections colored deacons who were given charge of the colored members and who made report from time to time to the church meeting.<sup>1</sup>

It has been found impossible to get an estimate of the number of negroes in the Baptist Church in North Carolina. Here the congregational idea was strong, the reports to the associations were not very full and do not always show the number of members. In 1830 the Baptist State Convention was formed, and from that time the minutes are published for the Missionary Baptist Church in North Carolina, but in the few years for which the number of members are reported, there is no distinction made between blacks and whites. It is only in the Chowan Association that I have had a glimpse of numbers. Here there were in 1843, 4575 white to 1228 black members; in 1844, 3241 whites to

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<sup>1</sup>For many of the facts here presented I am indebted to Dr. J. D. Huffham, of Henderson, N. C.

1160 blacks; in 1848, 4619 whites to 1541 blacks; in 1850, 4668 whites to 1476 blacks; in 1855, 6960 whites to 2545 blacks, and in 1860, 7539 whites to 3043 blacks. This proportion was strong, but it must be remembered that the Chowan Association lay in the East, and that it was in a region which was strong in Baptist faith. It was not representative of the denomination on this question.

The care of the Church over the life of the slave was commendably faithful, especially over the relation of master and slave. As early as 1778 it was decided that a marriage between slaves ought to be respected, even though it was against the law of the land, and that any member who broke the marriage vows of servants ought to be denied fellowship.<sup>1</sup> In 1783 it was declared by a meeting in the Sandy Creek Association that a master should give his servants liberty to attend family prayers in his house, that he should exhort them to attend, but not use force.<sup>2</sup> How this duty was fulfilled may be seen from the memoir of Capt. John Freeman, a prominent Baptist of Chowan County, who died in 1794. It is said of him that although he had many slaves "his lenity towards them was very remarkable. If any of them transgressed, his general method to chastise them was to expose their faults before the rest of the servants and the whole family when they were at family worship in the morning, who, when assembled at morning prayer, would talk to them, exhort and rebuke them so sharply for their faults that he made others fear. \* \* \* He was so very affected for the spiritual welfare of his family that often he seemed almost convulsed, and this extraordinary zeal was not the impulse of a moment, but his constant practice for seventeen years."<sup>3</sup>

The above statements apply to the Baptist body before the separation of the Missionary Baptists from it. For a view of the attitude of the latter toward slavery, the best

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<sup>1</sup> Biggs: "History of Kehuckee Association," p. 47.

<sup>2</sup> Purefoy: "History of Sandy Creek Association," p. 60.

<sup>3</sup> Biggs: "History of the Kehuckee Association," pp. 95-96.



source at hand is Purefoy's "History of the Sandy Creek Association." Here it is seen that the question of a valid marriage between blacks was still unsettled. The Association was asked in 1805 to settle it.<sup>1</sup> After three years' postponement it was answered that such a marriage should be valid, "when they come together in their former and general custom, having no [other] companion." Rev. Purefoy, commenting on this, says<sup>2</sup> owners should endeavor to keep married slaves from being separated, even if they put themselves to some inconvenience in buying, selling, or exchanging them.

To the buying and selling of slaves for profit Baptists in both East and West were opposed. In 1818 the Chowan Association was asked if a Christian could consistently buy slaves in order to sell them to speculators. The answer was clear: "We believe that such practice is at war with the spirit of the gospel and shocking to all the tender feelings of our nature. We answer No."<sup>3</sup> In 1835 Sandy Creek Association spoke still more emphatically. It said: "WHEREAS, We believe it inconsistent with the spirit of the gospel of Christ for a Christian to buy or sell negroes for the purpose of speculation or merchandise for gain. *Resolved, therefore*, that this association advise the churches of which it is composed to exclude members who will not abandon the practice after the first and second admonition."<sup>4</sup> When in 1847 the Association was asked if it was agreeable to the gospel for Baptists to buy and sell human beings or to keep them in bondage for life, the only answer vouchsafed was to refer the interrogators to the minutes of 1835. The slavery dispute was then well-nigh in its stage of highest passion, and it is not unlikely that the Church authorities did not like to take a more definite position on either the first or second part of the query.

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<sup>1</sup> Purefoy: "History of Sandy Creek Association," p. 76.

<sup>2</sup> *Ibid.*, pp. 93-94.

<sup>3</sup> "Minutes of the Chowan Baptist Association," 1818, p. 7.

<sup>4</sup> Purefoy: "Sandy Creek Association," pp. 163-164.

The Baptists, like the Methodists, early in the century had negro preachers, most notable of whom was Ralph Freeman. Ralph was a slave in Anson County in the neighborhood of Rock River Church. Soon after his conversion he felt an impulse to preach, and early in this century he was licensed by his church for that purpose. Soon afterwards he was ordained to the regular ministry. He did not have specific charges, but traveled and preached through his own and the adjoining counties. Says Rev. Purefoy: "He became a good reader and was well versed in the Scripture. He was considered an able preacher and was frequently called upon to preach on funeral occasions, and was appointed to preach on Sabbath at Association, and frequently administered the ordinance of baptism and the Lord's Supper. He was of common size, was perfectly black, with a smiling countenance, especially in the pulpit while speaking. He was very humble in his appearance at all times, and especially when conducting religious services. Great personal respect was also shown him by the brethren whom he visited in his preaching excursions." Rev. Joseph Magee, a white Baptist minister, became much attached to Ralph. They used to travel and preach together and after the fashion of the times it was agreed between them that the survivor should preach the funeral sermon of the one who died first. This task fell to Ralph. Although his friend had moved to the West, the colored preacher was sent for all the way from North Carolina to come and fulfil the promise made years earlier. Ralph complied with great success and before a large audience. When the Baptists divided on the question of missions, Ralph sided with the anti-mission party, and so fell into disfavor with the others. This he regretted, but a greater blow, which also fell about the same time, was the statute which forbade negroes to preach. He was greatly mortified, but submitted, and with that passes from our notice.

In proportion to their strength the Quakers did more for the negroes than any other religious body in North Caro-

lina. They did not have very many colored members, but before the Revolution they set themselves to free those they did have; and they did not stop until the process was accomplished. The Yearly Meeting of the very first year of the war, 1776, appointed a committee to go about and aid Friends to free their slaves. This committee was expected to act in co-operation with the various monthly meetings. Thus a considerable number were liberated in the following year. The committee reported that they found among the Friends a great willingness to forward the work. But they had acted contrary to the law of emancipation which required that slaves should be freed for meritorious conduct only. Forty of those thus emancipated were taken up and sold into slavery again. The Quakers complained that this was done under a law passed in 1777, after the slaves were liberated. At considerable expense they fought the matter through County and Superior Courts and won the verdict; but the Assembly was then appealed to and in 1779 it passed a law confirming the sales of these negroes and directing that all other negroes similarly freed should be sold into slavery in the same manner as if they had been freed after the passage of the law of 1777. The reason for this extraordinary procedure was no doubt the law of 1741, which was held to be still in force. The Friends, however, were not satisfied. They appealed to the Assembly. They based their theory on the principle "that no law, moral or divine, has given us a right to, or property in, any of our fellow creatures any longer than they are in a state of minority." They appealed to the statement of the rights of man in the Declaration of Independence, and showed that the sale of the negroes in question was in opposition to the spirit of the North Carolina Bill of Rights, which forbade the passage of *ex post facto* laws. This petition was signed by the eleven men who had owned the slaves in question and was sent to the Assembly, but on the advice of persons friendly

to the Quakers it was not presented.<sup>1</sup> This did not deter the Friends from further petitions. One was sent in 1787, another in 1788, and another in 1789. The petitions were about various matters, but none of them amounted to anything. In 1792 they petitioned again, asking the repeal of the law restricting emancipation, and demanding that it "never again disgrace the annals of a Christian people." The petition failed, but they did not cease to send others in the years following. In 1817 they asked the Legislature to take joint action with Congress for the colonization of the free negroes. The petition failed, and the next year they voted \$1000 to the American Colonization Society. For some time there seems to have been no further connection with this society.

The instruction of the slaves in religious and educational matters aroused the energies of the Quakers. They became awakened in this matter in 1780, when it seems that but little had been done. In 1787 it was asserted that one of the two leading objects of their activities toward the negro was to care for, protect, and instruct the freed negroes. The immediate result of this interest does not appear; but in 1815 Friends were exhorted by the Yearly Meeting to prepare schools for the literary and religious instruction of the negroes,<sup>2</sup> and in 1816 a school for negroes was opened for two days in each week. Some progress was made, as may be seen by the reports. Most of the negroes in the Western Quarter who were minors had been put in a way to get "a portion of school learning." The Quarter recommended that males be taught to "read, write and cipher as far as the Rule of Three," and that females be taught to read and write merely.<sup>3</sup> In 1821, Levi Coffin and his cousin, Vestal, opened

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<sup>1</sup>A chief source of facts relating to the Quakers and Slavery has been "A Narrative of Some of the Proceedings of the North Carolina Yearly Meeting on the subject of Slavery within its Limits." (See "Slavery and Servitude," p. 50, note 1.)

<sup>2</sup>Quaker pamphlet cited above, p. 24.

<sup>3</sup>*Ibid.*, p. 24. See also Weeks: "Southern Quakers and Slavery," p. 231.

a Sunday school for the blacks at New Garden and began to teach some slaves to spell; but when they could spell words of two or three letters they were withdrawn by their masters. The former attempt must have been as unsatisfactory as that of the Coffins, since the standing committee of the Quakers reported in 1821 that they could find no way to educate colored children except in the families of Friends. Either in this way or otherwise some progress was undoubtedly made, as appears from the reports sent in to the Yearly Meeting. When the Assembly passed the law forbidding slaves to be taught to read and write the Quakers petitioned for its repeal, and they also asked for the repeal of the law forbidding colored persons to preach. They said: "We consider these laws unrighteous and contrary to the spirit of Christianity, offensive to God; and your memorialists believe, if not repealed, they will increase the difficulties and dangers they are intended to prevent."<sup>1</sup> Furthermore, they asked for the enactment of a law to instruct slaves in religion and in reading, so that they could read the Bible.

To accomplish the liberation of slaves in the face of the laws they had recourse to corporate ownership. In 1808 a committee was appointed on the state of the people of color, and its recommendation, which was adopted, was that certain trustees should be appointed to whom should be conveyed the slaves whom it was desired to emancipate. These slaves were to be held in nominal bondage, but the trustees were to retain only so much power over them as should be for the good of the slaves' conduct. Thus an idle negro might be coerced moderately. The Friends took this step on the advice of Judge William Gaston, who was always a friend of freedom and of the slave. At first some Friends opposed the project, but they gradually changed their views and the custom continued in force until the Civil War. As soon as this plan was in operation, slaves began to disappear from among the Quakers. Many of them

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<sup>1</sup>See Quaker pamphlet cited, p. 34.



were sent out of the State—either to free territory in the United States or to Africa or to the West Indies. A few could be freed by the consent of the County Courts. A considerable number, especially those who were connected by family bonds with the slaves of persons not Quakers, as well as old persons who were not fit to begin a new life in a new place, were retained in the hands of the trustees. The general result of this relation, however, was to move the negroes out of the State; and this was no doubt due partly to the legal aspects of the case as seen in the decision in the *Contentnea Society vs. Dickinson*, to which reference has already been made.<sup>1</sup> This decision might well convince the Quakers that they could not hope to make society ownership a permanent feature and they used more and more the practice of sending the slaves away. Another inducement to send the slaves away, and an earlier one, was the liability of having them become a charge on the society. It is with evident feelings of relief that the agents of the Eastern Quarter in 1820 reported that the four hundred slaves who were owned by the Yearly Meeting had been managed so as to avoid expense, except for sending some away. In 1822 the number in hand was four hundred and fifty and the Yearly Meeting ordered that the trustees should receive no slaves except from Quakers. It was for this reason that a committee was appointed to examine the laws of the free States to see if negroes might be sent thither. In 1823 this committee made its report in favor of Ohio, Indiana and Illinois, and steps were taken to remove the slaves as rapidly as possible, and \$200 was voted to defray the expenses. They were sent to Pennsylvania, to the Northwest, to Hayti, and, perhaps, to Liberia. Six hundred and fifty-two had gone by 1830 and four hundred and two were still under care. The expense of moving so many had reached \$12,769.50, not all of which had been borne by the North Carolina Friends, for in 1829 the Rhode

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<sup>1</sup> See Quaker pamphlet cited, p. 32. Although this decision was not given till 1827, the case was begun earlier than 1822.

Island Yearly Meeting had contributed to the work \$1351.50. Sometimes the negroes themselves paid part of the expense of removal by being hired out for wages, the surplus earnings being saved for this purpose. But the Friends were not ungenerous in this matter. On one occasion four women had promised to go and leave their husbands in slavery. At the last moment they refused to go, and the Friends bought the husbands at an expense of \$1400 and sent them along with the faithful wives. The owners of the husbands were here equally benevolent, for they sold them at half their value. The last important removal was in 1836, when fifty-seven persons were sent to the Northwest and two hundred were left in the possession of the society. Many of these were old people and children. Death rapidly thinned the one class, and the members of the other were sent away as they became grown. In 1848 the number was about twelve, and it was said by the Committee on Sufferings: "It is believed that there is no instance of any [slaves] being held among us so as to deprive them of the benefit of their labor."<sup>1</sup> In 1856 there were eighteen still under care.

The work of the Quakers was not easy. "Such," says the narrative of the Committee on Sufferings, from which I have already taken so much, "it would appear was the prejudice against freeing the slaves, the danger of their being carried off and sold in distant parts, the ignominy of their situation; that there was no way but to remove them to the free governments as fast as their circumstances would permit." Many Quakers and other persons moved from North Carolina to the Northwest, and the Friends often sent slaves whom they desired to free along with these emigrants. Sometimes a large number would be sent, and trusted Quakers would go along with them with authority to effect emancipation. Sometimes a ship would be chartered, as when the negroes wanted to go to the West Indies.

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<sup>1</sup> Quaker pamphlet cited, p. 40.

To the Quakers must be given, also, much of the credit for the organization of the North Carolina Manumission Society. This society existed in the region around Greensboro, where the non-slaveholding element was strong. It had members who were not Quakers, but it had many, perhaps a majority, who were of that faith. This society had many branches and its inception was doubtless due to the efforts of Charles Osborn, a Quaker minister, who organized various branches in Guilford County in 1816. In the same year these branches were organized into a general society, and in the following year this society agreed to act in connection with the American Colonization Society. To this move there was, however, much opposition, mostly from the Quaker members. These were largely abolitionists and they looked upon colonization as an aid to slavery. The minority seceded and continued to meet at New Garden till most of them had moved to the West. The society, however, continued to grow. In 1821, Benjamin Lundy appeared in North Carolina and made anti-slavery speeches in Guilford and Randolph Counties. He came from Tennessee, where Elihu Embree had already inaugurated a promising anti-slavery movement.<sup>1</sup> In 1824 the term "Colonization" was dropped from the name of the society. In 1825 there were thirty-three local societies<sup>2</sup> with a total of more than 1000 members. In 1827 there were forty branches; but this was the flood-tide of the movement. Public sentiment was turning against the cause of the abolitionists, as has been already seen. In 1834 the society had its last meeting. Of those who had been leaders many had emigrated. Many of the rank and file had either gone away or been frightened by the greater vehemence of the pro-slavery advocates. Whatever of vitality it had left seems to have been thrown into support of the Under-

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<sup>1</sup>Hoss: "Sketch of Elihu Embree." Publication of Vanderbilt Southern History Association, No. 2, 1897.

<sup>2</sup>Weeks says thirty-six, but names only thirty-three. "Southern Quakers," p. 240.

ground Railway. It became in its later days emphatically abolitionist. It advised its members to subscribe for Lundy's paper, and in 1830 it passed resolutions in support of William Lloyd Garrison.<sup>1</sup>

The Presbyterian Church of North Carolina had never so large a proportion of negro members as the Methodist or Baptist Churches, but it opened its doors as freely to the slaves. These were given special seats and admitted to the sacrament of the communion after the whites. That many of them became faithful and obedient Christians there can be no doubt. Rev. J. D. Mitchell, a Presbyterian pastor of Lynchburg, Va., said in 1858, after twenty-seven years in the pastorate: "Our colored members have exhibited a uniform consistency of moral and religious character. In my long pastorate I remember only three cases of discipline among the servants. \* \* \* Instances of high-toned piety are frequent among them."<sup>2</sup> The *Southern Presbyterian* bore evidence that the Bible was often read in the churches where there were negroes, especially the parts dealing with the duties of master and slaves. The reading of the Bible, it thought, was not necessary to getting to heaven, and if slaves were taught to read they would read incendiary literature more than the Bible. "There are more pious persons among the blacks," it added, "than among any similar class of people in the world."<sup>3</sup> It is likely that the attitude of this Church in North Carolina did not differ materially from the spirit of these utterances.

At first the Church was not hostile to emancipation in the abstract, but it was not inclined to wholesale abolition in actual practice. In 1787 the Synod of New York and Philadelphia declared that it highly approved of universal liberty and of "the interest which many States had taken in promoting the abolition of slavery;" but since indolent and

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<sup>1</sup> See "North Carolina Manumission Society," by C. C. Weaver, Trinity College (N. C.) Historical Papers, series I, p. 71.

<sup>2</sup> Quoted in De Bow's *Review*, vol. 24, pp. 277 and 279.

<sup>3</sup> *Ibid.*, vol. 18, p. 52.

ignorant persons would be a disadvantage in a community, it urged that slaves be educated, that they be encouraged to buy themselves, and that members use all efforts to secure abolition of slavery.<sup>1</sup> In 1795 the question of fellowship with slaveholders was up, but elicited nothing but an injunction to brotherly love and charity. The same body in 1815 urged members to give religious education to the slaves, so that they might be fit for freedom when God might "open the door for their emancipation." At the same time it declared that trading in slaves and cruelty toward them were contrary to the spirit of Christ. The split between the Northern and Southern wings of the Church was already in sight, although it did not proceed so rapidly as among the Methodists. In 1818 the General Assembly endorsed abolition in the abstract and expressed sympathy for the South where most of the virtuous people were thought to be for emancipation. It urged such people to continue their efforts and exhorted others not to make "uncharitable reflection on their brethren, who unhappily live among slaves whom they cannot immediately set free." It also spoke decidedly against the separation of slave families by sale. Any church member who would do this ought to be suspended from fellowship, "unless there be such peculiar circumstances attending the case as can but seldom happen."<sup>2</sup> For some time after this the question was not brought up; but in 1835 it would be ignored no longer. A committee was appointed on the matter, and the next year it reported that slavery was a civil question and ought not to be considered by the Assembly. After some debate the matter was indefinitely postponed. But it was up again in 1845, when it was resolved that "since Christ and his inspired Apostles did not make the holding of slaves a bar to communion, we, as a Court of Christ, have no authority to do so; since they did not attempt to remove

<sup>1</sup> See "Presbyterianism and Slavery," an official document published for the use of the General Assembly in 1836.

<sup>2</sup> *Ibid.*, pp. 6-8.



it from the Church by legislation, we have no authority to legislate on that subject." The progress of the slaves could not be obtained by ecclesiastical legislation or by "indiscriminate denunciations against slaveholders, without regard to their character or circumstances." The resolution passed by 168 to 13 votes.<sup>1</sup> By such action this conservative Church put off its division till the war was actually at hand. This relation of the general Church to slavery must have influenced the attitude of the local Church. It no doubt kept up a conservative and abiding interest in the welfare of the slave on the part of the Church authorities.

What Henry Evans was in the Methodist Church and Ralph Freeman in the Baptist, John Chavis was in the Presbyterian Church. In native ability he was no doubt equal to either of the other two, but in education he was superior to them. He was, probably, born in Granville County, near Oxford, about 1763. He was a full-blooded negro of dark brown color. He was born free. In early life he attracted the attention of the whites, and he was sent to Princeton College to see if a negro would take a collegiate education. He was a private pupil under the famous Dr. Witherspoon, and his ready acquisition of knowledge soon convinced his friends that the experiment would issue favorably. After leaving Princeton he went to Virginia, sent thither, no doubt, to preach to the negroes. In 1801 he was at the Hanover (Virginia) Presbytery, "riding as a missionary under the direction of the General Assembly." In 1805, at the suggestion of Rev. Henry Patillo, of North Carolina, he returned to his native State. For some cause, I know not what, it was not till 1809 that he was received as a licentiate by the Orange Presbytery. Although he preached frequently to the regular congregations at Nutbush, Shiloh, Island Creek, and other churches in the neighborhood, I do not find that he was called to a church as pastor. Mr. George Wortham, a lawyer of Gran-

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<sup>1</sup> See "American Slavery as Viewed and Acted on by the Presbyterian Church in America," by Rev. A. T. McGill, 1865.

ville County, said in 1883: "I have heard him read and explain the Scriptures to my father's family repeatedly. His English was remarkably pure, containing no 'negroisms;' his manner was impressive, his explanations clear and concise, and his views, as I then thought and still think, entirely orthodox. He was said to have been an acceptable preacher, his sermons abounding in strong common sense views and happy illustrations, without any efforts at oratory or sensational appeals to the passions of his hearers. He had certainly read God's Word much and meditated deeply on it. He had a small but select library of theological works, in which were to be found the works of Flavel, Buxton, Boston, and others. I have now two volumes of "Dwight's Theology," which were formerly in his possession. He was said by his old pupils to have been a good Latin and a fair Greek scholar. He was a man of intelligence on general subjects and conversed well." He continued to preach till in 1831 the Legislature forbade negroes to preach. It was a trial to him and he appealed to the Presbytery. That body could do nothing more than recommend him "to acquiesce in the decision of the Legislature referred to, until God in his providence shall open to him a path of duty in regard to the exercise of his ministry." Acquiesce he did. He died in 1838 and the Presbytery continued to his widow the pension which it had formerly allowed to him.

Mr. Chavis' most important work was educational. Shortly after his return to North Carolina he opened a classical school, teaching in Granville, Wake, and Chatham Counties. His school was for the patronage of the whites. Among his patrons were the best people of the neighborhood. Among his pupils were Willie P. Mangum, afterwards United States Senator, and Priestley H. Mangum, his brother, Archibald and John Henderson, sons of Chief Justice Henderson, Charles Manly, afterwards Governor of the State, Dr. James L. Wortham of Oxford, N. C., and many more excellent men who did not become so distinguished in their communities. Rev. James H. Horner, one of the

best teachers of high schools the State has produced, said of John Clavis: "My father not only went to school to him but boarded in his family \* \* \* The school was the best at that time to be found in the State."

All accounts agree that John Chavis was a gentleman. Mr. Paul C. Cameron, a son of Judge Duncan Cameron, and a prominent man in Orange County, said: "In my boyhood life at my father's home I often saw John Chavis, a venerable old negro man, recognized as a freeman and as a preacher or clergyman of the Presbyterian Church. As such he was received by my father and treated with kindness and consideration, and respected as a man of education, good sense, and most estimable character. \* \* \* He seemed familiar with the proprieties of social life, yet modest and unassuming, and sober in his language and opinions. He was polite—yes, courtly; but it was from his heart and not affected. I remember him as a man without guile. His conversation indicated that he lived free from all evil or suspicion, seeking the good opinion of the public by the simplicity of his life and the integrity of his conduct. If he had any vanity he most successfully concealed it. \* \* \* I write of him as I remember him and as he was appreciated by my superiors, whose respect he enjoyed." The same gentleman adds that the slaves were amazed to see a negro receive so much respect from the whites. Others have confirmed Mr. Cameron's statement.<sup>1</sup> From a source of the greatest respectability I have learned that this negro was received as an equal socially and asked to table by the most respectable people of the neighborhood. Such was the position of the best specimen of the negro race in North Carolina in the days before race prejudices were aroused. It goes without saying that such a negro would not receive the same

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<sup>1</sup>The facts here given were collected by Dr. Charles Phillips, of the University of North Carolina, and used by Dr. C. L. Smith for the short sketch of John Chavis, which he included in his "History of Education in North Carolina," Washington, D. C., 1888, pp. 138-140.

treatment to-day. That such is true is due to that strenuous state of feeling which preceded and followed forcible emancipation. So much the cause of humanity would have gained could slavery have been removed by reason!

In 1830 John Clavis, described as an educated colored Presbyterian preacher, was teaching a school for free colored children in Raleigh. Joseph Gales attended a public examination at this school in April, 1830, and said in his paper: "It was an example, both in behavior and scholarship which their white superiors might take pride in imitating." He complimented a speech in which Chavis told his pupils that they possessed but an humble station in life; but that even they could make themselves useful.<sup>1</sup>

The Protestant Episcopal Church was not indifferent to the spiritual welfare of the slaves, although it had not so many slave members as some other churches. The proportion is indicated for 1857, as follows: Communicants, white 2341, colored 345; and catechumens (Sunday School pupils), white 1105 and colored 488. In 1858 it was: Communicants, white 2364 and colored 353; and catechumens, white 943 and colored 351. I have been unable to find full statistics for the whole time, but the above figures show the proportions for the years when this church probably had its largest number of members.

Here the members must have been mostly house servants, since the Episcopalians were largely slaveholders, and the 2364 communicants must have owned many thousands of slaves. Usually the colored people occupied the seats reserved for the slaves, as in other churches. Sometimes there were special missions for the slaves. Capt. T. W. Battle, of Edcombe County, had one, but discontinued it after a year because the slaves took no interest in it. Mr. Josiah Collins and Rev. W. S. Pettigrew had similar enterprises in Washington County, and there seems to have been one in connection with the church at Tarborough.<sup>2</sup>

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<sup>1</sup> Raleigh *Register*, April 19, 1830.

<sup>2</sup> For facts here mentioned I am indebted to Dr. K. P. Battle of the University of North Carolina.

## CHAPTER IV.

### INDUSTRIAL AND SOCIAL RELATIONS OF SLAVERY.

*Population.*—At the outbreak of the Revolution there were by the most probable estimate 36,000 colored people in North Carolina.<sup>1</sup> From then till 1790 no facts for an estimate have come under my observation. From the latter date till 1860 the numbers of whites, free negroes and slaves, as included in the census tables, were as follows :

Year.	Whites.	Increase. Per Cent.	Free Colored.	Increase. Per Cent.	Slaves.	Increase. Per Cent.	Total.
1790	288,204	. .	4,975	. .	100,572	. .	393,751
1800	337,764	17.19	7,943	41.56	133,296	32.53	478,103
1810	376,410	11.44	10,266	45.76	168,824	26.65	555,500
1820	419,200	11.36	14,612	42.33	205,017	21.43	638,829
1830	472,823	12.79	19,534	33.74	245,601	19.79	737,987
1840	484,870	2.54	22,732	16.31	245,817	.08	753,419
1850	553,028	14.05	27,463	20.81	288,548	17.38	869,039
1860	629,942	14.42	30,463	10.92	331,059	14.73	992,622

From this table it is seen that the increase of the whites was slow, being normal at about  $13\frac{1}{2}$  per cent., a rate decidedly slower than that maintaining since the war. This slow increase is no doubt due largely to emigration which took off many of the non-slaveholding farmers to the Northwest and many of the slaveholders to the far South. The latter movement was strongest from 1800 to 1840; the former from 1830 to 1860. Where the two overlapped, from 1830 to 1840, the population was well-nigh stationary.

<sup>1</sup> See "Slavery and Servitude in North Carolina," p. 22.



The number of free negroes depended on the number of emancipations plus the natural increase in the free negro families. Emancipation was considerably practiced till 1820. After that the laws grew harder on free negroes. Many of them left the State, and thus the increase was reduced. During the last decade of slavery this increase was smaller than ever before, and had slavery endured till 1870 it would, no doubt, have been well-nigh nothing.

Of the slave population the greatest increase was from 1790 to 1800, when the slave trade was still allowed, but after this source of increase had been destroyed there is a decided falling off. The remarkable drop from 1830 to 1840 has sometimes been attributed to an erroneous census. If the claim be true then it is still true that the increase was very small, since from 1830 to 1850 it was only 17.48 per cent. In the days when many whites moved to Georgia and Alabama, and other cotton States, there must have been a considerable drain on the numbers of the slave population. But later on when the great demand for slaves in these States had raised the price paid for them a great many more were sent. This probably accounts for the slow increase in the census tables after 1830.

There were 34,658 slaveholders in North Carolina in 1860, and these owned in all 331,059 slaves, or an average of 9.6 to each owner. In Virginia there were 9.4 slaves to each owner, and in South Carolina there were 15. For North Carolina there had been from 1850 till 1860 a lessening of the number of slaves to an owner, since it was in 1850 10.1 slaves to each owner.

*Distribution.*—In the colonial period the eastern counties had most of the slaves; but throughout the period of statehood the West acquired continually more of them. It never had as many as the East, but along the upland rivers, and wherever in the West there was fertile land, there the large slave-tended farm was found. This was true of the upper Roanoke section of the Yadkin, and of other river sections. In 1790 there were in the western counties 30,068 slaves

and in the East 70,504. In 1860 the same western counties had 146,463 slaves and the eastern 184,596. In the West the ratio of increase in seventy years was 387 per cent., while in the East it was 161 per cent. In 1790 there were in the same western counties 136,655 whites, and in 1860 the number was 385,724. In 1790 the same eastern counties had 151,549 whites, and in 1860 they had 244,218. Thus it will be seen that for these seven decades the ratio for the increase of the whites in the West was 182 per cent., and for those in the East it was 61 per cent.<sup>1</sup> Plainly enough the West was gaining rapidly on the East in regard to slave population. This was partly due to the extension of the area of cotton cultivation. Counties like Mecklenberg, Anson and Union were properly under the influence of the western ideas and life in 1790; but in 1860 they were great cotton counties and largely slaveholding. Moreover, in other western counties, which by 1800 were past the pioneer stage, there grew up continually numerous wealthy families. They owned slaves. The slaves competed with the small white farmers. Thus there began slowly that process by which slavery always eats out all the life of a free yeomanry. The small farmers sold their farms and moved to the Northwest, the slaveholders bought the farms and consolidated landholding. Had slavery continued till the present time some wonderful changes would have taken place in this part of the State. There is every reason to believe that besides the tobacco industry, which might profitably have been conducted here, this would have become, along with parts of Virginia, a notable breeding ground for slaves to be sent southward.

The progress of the slave population in the State could not have been due in any considerable extent to importa-

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<sup>1</sup> Of course the selection of a dividing line between the East and the West is a matter more or less arbitrary, but the change of a dozen counties along this line, where white and black populations remained relatively constant, would make no appreciable difference in the proportions given in the text.

tion. Before the final prohibition of the foreign slave trade by Congress in 1808, there was a strong feeling against it in North Carolina. In 1774 the Provincial Congress of the colony resolved that they would not import or purchase any slaves brought into the colony after November, 1774.<sup>1</sup> This was part of the body of resolutions by the first Provincial Congress, and was due as much to the desire to retaliate on Great Britain as to opposition to the slave trade. How well this resolution was executed I am not able to say; but it was, no doubt, often violated; for, in 1786 (chap. 5), the Assembly passed a law the preamble of which ran: "WHEREAS, The importation of slaves into this State is productive of evil consequences and highly impolitic." In accordance with this patriotic sentiment 40 shillings was to be levied on each imported slave under seven years old and over forty, and £5 on those from seven to twelve and from thirty to forty years, and £10 on those from twelve to thirty years. This duty was to be levied whether the slaves were imported by land or by sea. This was aimed avowedly at the slave trade, and exception was made in favor of incoming settlers who brought slaves, and persons who received foreign slaves by gift, marriage or inheritance. Besides, a tax of £5 was to be collected on all slaves imported directly from Africa. A further section prohibited the introduction into the State of slaves from the States which had then recently liberated their slaves, and directed that those already so imported should be sent to the places whence they came. The motives for making this law I can know only inferentially. There seems to have been behind it an honest desire to restrict the number of slaves in North Carolina, and a purpose to protect domestic slavery from the disquieting influence of the more unmanageable slaves from Africa and the West Indies.

The public opinion, however, soon changed, and the act

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<sup>1</sup> "Colonial Records of North Carolina," IX, p. 1046. Also "American Archives," 4th series, I, p. 735.

was repealed in 1790. But almost immediately there occurred an incident which secured the enactment of still severer laws against the slave trade. I refer to the Haytien outbreak, which occurred in 1791. These outrages, bad as they were, were exaggerated in American minds and filled Southern hearts with terror.<sup>1</sup> In 1794 (chap. 2) a strict law was passed forbidding the importation of slaves or indented colored persons under a penalty of £100 fine. This law did not forbid a person who came into the State to settle to bring his slaves with him. A year later (Laws of 1795, chap. 16) it was provided that this privilege should not apply to persons coming from the West Indies, the Bahamas and the "southern coast of America," if the imported negroes were over fifteen years old.

The foreign slave trade was prohibited by Congress from 1808, and in the same year the North Carolina Assembly repealed its law of 1794.<sup>2</sup> The National Statute left the disposition of the illegally imported slaves to the States in which they should be taken up. The North Carolina Assembly took up the matter in 1816 (chap. 12), and enacted that such slaves should be sold by the sheriff for the use of the State, one-fifth to go to the informer. This law remained in force till the war.<sup>3</sup> This National Statute could not have been enforced very well, if at all, before 1816, for the law of that year provided that slaves imported into the State from abroad before 1816 and the descendants of the same should not be sold according to this law, but that the owners thereof should have legal titles made out and certified by the sheriffs. In view of this law and of the general loose administration of the National Statute in the South, it is safe to say that it was not always enforced in North Carolina after 1816.

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<sup>1</sup>See Du Bois: "Suppression of the Slave Trade," pp. 72 and 73.

<sup>2</sup>Laws of 1808, chap. 16.

<sup>3</sup>Revised Statutes, chap. III, secs. 1-6, and Revised Code, chap. 107, secs. 1-6.

As to the prices of slaves it has been impossible to procure any trustworthy evidence. It is enough to call attention to the fact that the opening of the cotton industry with the greater demand for slaves in the Gulf States continued to advance the prices. Slavery became more profitable, and North Carolina found it fixed in her life more than was formerly expected. It has already been pointed out how slavery extended itself at this period into the western counties with the probable reason that this region raised slaves for the Southern markets. It was the ever acting law of economic rent applied to slaveholding. As the price of the product increased, territory that was formerly below the point of diminishing returns was now taken within the area of cultivation.

*The Regulation of the Slave's Life.*—Next to the loss of liberty the worst evil connected with slavery was the fact that it left the welfare of the slave to the accidental temper of the master. If the latter were humane and intelligent the slave fared well. If he were otherwise the slave fared poorly. A correspondent has called to my attention the fact that a master's treatment of his slaves corresponded relatively to his treatment of his children: good father, good master; careless or cruel father, careless or cruel master. There were all kinds of masters as there are all kinds of fathers. Some undoubtedly were cruel; some undoubtedly were wisely humane; many were neither the one nor the other, but gave their slaves such care as custom demanded, just as many men clothe and train their children without really having any opinions of their own about the matter.

Of the slave-owners there were the holders of large slave herds and the holders of few slaves. Of the former there was the cultured class of planters and the more ordinary class of wealthy farmers about which I have already spoken. The gentleman planter type was not so numerous in North Carolina as elsewhere in the South. Such masters were often absentee landlords, though this was not general in



the State. Here their relation to the slaves was patriarchal. As a class they were careful of the slaves' health and morals, and philanthropic students of the theories of good master-ship. The wealthy farmers rarely lived away from their estates. They were usually religious. They were thrifty and honest. Their sons worked in the fields along with the slaves, sometimes leading the plow gang, and sometimes swinging a cradle in the harvest. Their wives superintended the making of the slave clothing, the cooking of the slave dinners, and the nursing of the slave patients. Here the slave fared best, and this class was strong in North Carolina. It extended all over the State, and was extensively found in the West. The lot of the slave who belonged to the owner of few slaves might be bad—and was usually not good. He was frequently overworked or underfed. The straitened condition of his master, often not an enlightened man, was responsible for this.

Next to the master the overseer was the most important personage. If the master were absent his powers were great. He was usually a white man, but rarely a slave. Often a man owned several plantations, on each of which he would place an overseer, and over all of which he would keep continual oversight. Overseers were of two classes. Those on large plantations must be men of intelligence and men who could take care of slaves as property. They commanded good salaries, often getting \$100 a month. On the smaller plantations inferior men were employed, and the slaves there were not so well cared for. Here an overseer was well paid at from \$200 to \$400 a year. What an overseer should do properly to fulfill his office may be seen in the statement of a master in *De Bow's Magazine* in 1856.<sup>1</sup> In managing negroes, says the writer, the first aim of the overseer should be to obey the instructions of the master in respect to them; the second to satisfy them that he is doing so. He should always allow the slave easy appeal to

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<sup>1</sup>Vol. 21, p. 277.

the master, and not to do so must be due to bad temper, false dignity, or the notion that the slave has no rights. If a slave makes a false complaint he should be punished for it, and the privilege of complaining should not extend to matters affecting the overseer's character, for a negro may not testify against a white man. Some overseers declared that no negroes should complain of them, and that if they did, they (the overseers) would whip them in spite of the masters. "This," exclaimed the writer, "is simply brutal and no man of spirit will permit it." Still it is bad policy not to punish a slave without the consent of the master. An overseer should be kind to the slaves, speaking in a low tone, but firmly. Negroes should not be fretted at, for it injured their capacity for work, and when practiced on the young had been known to lessen their value. Fretting also injured the overseer. "The habit of swearing at or before negroes an overseer should never indulge in. If the negro is not allowed to swear because it is disrespectful to the overseer, the latter should not swear because it is disrespectful to his Maker. Besides, it shocks some pious negroes and sets a bad example to them all." The overseer should visit the cabins and promote cleanliness there, see that clothes and shoes are repaired, and on Sunday he should require all the slaves to appear in clean clothes. He should rather encourage their taste for finery than ridicule it. He should consult with the old men about the work—some of them were very intelligent. He should be disposed to share their labor. "Nothing more reconciles a negro to his work than the overseer sharing it with him. Let him go with them in heat, rain and cold. If they shuck corn at night let him be with them." Another writer in the same magazine<sup>1</sup> declared that no one should try to manage slaves who had not firmness, fearlessness and self-control. Punishment should not be cruel. "If ever any of my negroes are cruelly and inhumanely treated, bruised, maimed, or otherwise

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<sup>1</sup> Vol. 21, pp. 617-620.

injured," the overseer was dismissed. Each place was to keep enough milch cows to furnish milk for the slaves. The overseer must care for the sick, especially for the pregnant women. Nurses should be provided for the sick, and mothers of young children should not be assigned full tasks. These regulations were prepared by two successful farmers who did not live in North Carolina yet they are standards for slavery as a whole, and bring to us vividly the office of the overseer. Possibly they were never enforced entirely. Certainly they could not have been always enforced, but there is no doubt that the spirit of them was present on many plantations. It was this spirit and its practical realization in many ways which gave some foundation to the claim that the master provided better for the physical wants of the slaves than the freed negro provides for himself in the days since the war. The claim is to-day debatable, but it is necessary to remember that physical wants are not the chief thing in life.

I have been able to get the following account of slave life on a rice plantation near Wilmington, N. C. My informant is a son of the gentleman who owned the place for some years before the war, and in his young manhood he was overseer on the farm. He is now a prosperous physician, and I have every reason to believe that his information is trustworthy. He says: "There were about one hundred slaves on the plantation. They were called at dawn and went to the fields under the care of drivers at sunrise. Two meals were served each day, one at 9 a. m. and one at 1 or 2 p. m. The daily allowance of food was one quart of meal, which was given from March 1 till October 1, one-half a pound of meat, and one pint of molasses a week for each adult. Sweet potatoes were given from October to March instead of meal, and peas were allowed in planting time. There was a regular allowance of tobacco. The meals were prepared by the cooks and sent to the field ready cooked. Milk was furnished at the cook's place. The tasks were light, and most of them were finished by 2 p. m.

After they were done the slaves might do what they liked. They usually slept or went fishing. Among themselves the slaves were immoral, but, generally speaking, there were no illicit relations between them and the white men. The white boys were sometimes intimate with the housemaids. The slaves went to Sunday School, and the owners of this and the adjoining farms paid a Methodist preacher to preach to them once a month." But my informant saw but small results in the field hands. The negroes were contented and happy among themselves, if let alone by outside influences. The owner always counted on their stealing and took no notice of small offenses. They were not allowed to go off the plantation, except by special permission. They were not allowed to buy whiskey, but occasionally the master would give it to them, and it was a race trait that all of them, men, women and children, liked it. Under the care of his owner the slave's health was good, much better than it is now. Slave mothers frequently neglected their children, while for the children of the whites they manifested great affection. This last point is often corroborated. Said another gentleman: "I have often seen the slave women come from the fields to the house of the old woman who took care of the small children during the day, take their babies in their arms, nurse them, and put them down without the least show of affection."

"Negro slavery," continued the gentleman whose statements I was just quoting, "was profitable in producing rice, cotton and turpentine. One good hand could thus make in rice from \$300 to \$400 a year above his expenses, and in turpentine he could make as much as \$1000 a year. On the farm in question \$10,000 a year was cleared in bank from the rice crop. When masters made no profit it was because the negroes were not properly cared for. Few of the old slaveholders had runaway negroes. These negroes usually afflicted people who had recently begun to have slaves, particularly Northern men who had married and settled in the South. These people did not understand the negro, and



expected too much from him. A man who was cruel to his negroes was not highly respected in the community by the best people. An evidence of the solicitude of the good masters for their slaves was the difficulty which the authorities experienced in getting slaves hired to them to construct fortifications at the outbreak of the war. Masters would not trust their slaves in the hands of the officers. Among the prominent characteristics of the negro," concludes my informant, "were no gratitude, no resentment and a deep love of home."

By the side of this statement I am fortunately able to place the account of slave life on the plantation of a well-to-do farmer of the central part of the State. The farmer was a well-known Baptist preacher, and the account is from his son, who is now a respected minister in the same church. The locality was in the area of cotton production, and on the farm were from forty to fifty slaves. The narrator says:

I never saw or knew [my father] to whip [a slave] save sometime to correct a child for some evil, and then the whipping was light. He never overworked them, for I was for a number of years foreman of eight or ten plows. They started to work when I started; when I rested they rested; when I stopped at evening they stopped; when I got a holiday they got one. They ate what I ate, though at different tables. Never a day's ration was issued to any of them. They were well housed and were allowed to use all the firewood they needed from the same yard from which the white family got its own supply. They were well shod and clothed, wearing the same kind of goods I used on the farm—all home-made. In winter all the slaves, from the youngest to the oldest, wore woollens. My father retained two of the best physicians in the county to give them any needed attention, the same as his family had. He gave each year to each slave large enough to work a "patch of ground" and the time to work it, in order that each might have some money of his own to spend as he chose. The breeding women he was always careful should never be worked too hard or in any way strained. When any of the slave children were very sick they were brought into the house of the white family and there attended as one of the white children. He always provided for them to go to church on Sunday, allowing them to use the farm teams when necessary. They were invited to family prayers in the room of my parents. He often urged his children to read the Bible to them in their own houses, for each slave family had



a separate home, which, in the main, was more comfortable than three-fourths of the colored people now have, or perhaps nine-tenths of them. One of his old slaves told me recently<sup>1</sup> that he has never been as happy or well provided for since he has been free as he was while a slave. Much more I could say, but this is perhaps enough. I state the above on my honor as a Christian minister. P. S.—He never allowed his sons to whip any of the field hands.

In a further communication the same gentleman says of slavery as an institution:

It never paid my father, only by the increase of his slaves. His land was poor and this may have been the reason why he never made any money by it only as above stated. He never kept any account of debtor and creditor in running his farm. I was very well acquainted over the county in *ante bellum* days and knew of but one or two parties who failed to clothe well and treat well their slaves. Those parties, like some of this day, never had a good set of harness, or good stock or farm tools. In all my section of the county I knew of no whites who did not own some land and have their own homes. I knew but one free negro, a woman, and she lived with my father. She was a housemaid and worked for her victuals and clothes.

The difference between the conditions of slaves in North and South Carolina is illustrated graphically in the following statement of a negro whom Mr. Olmsted met in South Carolina about 1855.<sup>2</sup> The negro was free, and with his son had come from Rockingham County, N. C., to peddle out two wagon loads of tobacco in eastern South Carolina. Said the old man in the course of the conversation:

“‘Fac’ is, master, ’pears like wite folks doan ginerally like niggars in dis country; dey doan ginerally talk so to niggars like as do in my country; de niggars ain’t so happy heah; ’pears like the wite folks is kind o’ different, somehow.”

“Well, I’ve been thinking myself the niggers did not look so well here as they did in North Carolina and Virginia; they are not so well clothed, and they don’t appear so bright as they do there.”

“Well, massa,” was the answer, “Sundays dey is mighty well clothed, dis country; ’pears like dere ain’t nobody looks better Sundays dan dey do. But, Lord! working days, seems like dey had no

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<sup>1</sup> This narrative was sent me in 1896.

<sup>2</sup> “Journey to the Seaboard Slave States,” pp. 389-393.

close dey could keep on 'em at all, master. Dey is almost naked wen dey's at work, some un 'em. Why, master, up in our country de wite folks, why some un 'em has ten or twelve; dey doan hev no real big plantations like dey has heah, but some un 'em has ten or twelve niggars, maybe, and dey juss lives and talks along wid 'em. If dey gits a niggar and he doan behave himself, dey won't keep him; dey juss tell him, sar, he must look up anudder master, and if he doan find himself one, I tell 'ou, wen the trader cum along, dey sell him and he totes him away. Dey always sell off all de bad niggars out of our country; dat's de way all de bad niggars and all dem no-account niggars keep a comin' down heah; dat's de way on't, master."

To this, which is offered only for what it is worth, add the statement of Mr. Olmsted himself: "So far as I have observed," he says, "slaves show themselves worthy of trust most where their masters are most considerate and liberal to them. Far more so, for instance, on the small farms in North Carolina than on the plantations of Virginia and South Carolina."<sup>1</sup>

Here we have three pictures, more or less complete, of slave life (1) on a fertile farm in the East, under conditions of extensive farming, (2) on a large farm in the central part of the State, and (3) on the small farms of the western part of the State. I must believe that each picture is given fairly, so far as it goes. All show that slavery in North Carolina was not so harsh as elsewhere. To this conclusion I may add the positive evidence of Mr. Olmsted. He says: "The aspect of North Carolina with regard to slavery is, in some respects, less lamentable than that of Virginia. There is not only less bigotry upon the subject and more freedom of conversation, but I saw here, in the institution more of the patriarchal than in any other State. The slave more frequently appears as a family servant—a member of his master's family, interested with him in the fortune, good or bad. This is the result of less concentration of wealth in families or individuals \* \* \* Slavery thus loses much of its inhumanity. It is still questionable, however, if, as

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<sup>1</sup>"Journey to the Seaboard Slave States," p. 447.

the subject race approaches civilization, the dominant race is not proportionately detained in its progress.”<sup>1</sup>

I am able also to publish the following from a gentleman of great intelligence and humanity, who was intimately connected by birth and association with the most prominent people of the State. He says:

I did not like the institution of slavery, but I wish you to know :  
 (1) That while the laws were severe the natural amiability of the people tempered the administration of them. I never whipped a grown up slave in my life, nor did my father, nor brothers; and such families were the rule and not the exception. Nor did I ever witness any of the scenes of barbarity so much spoken of. Although a large slaveholder, and raised among slaveholders, I never saw a grown person punished in my life. By grown person I mean fifteen and sixteen years old and upwards. The separation of husband and wife, parent and young child, were not common. My family never did it, nor did any of the families known to me, and I am sure that the great majority of families in North Carolina would not allow it.  
 (2) To balance the cases of barbarity I wish you to remember that the wives and other dependents of slaves were protected by the owners from brutality on the part of their slave-husbands, etc. The awful, horrible brutality of drunken husbands and fathers as seen in England, and the cities of the North was not allowed in the South.  
 (3) You should not attribute to slaves the fine feelings of whites. They had recently been savages. Separation of children from parents, etc., was not to them what it is to whites. But there was in practice no more separation than in New England families, whose children as a rule scatter over the whole face of the earth. (4) The sum of misery was no greater among them *practically* than among the laboring classes in free countries. You may not believe all this, but I hope that it will be within your plan to mention that slave-owners claim this.

On the subject of mulattoes the same correspondent writes:

The number of mulattoes must not be held to prove corresponding licentiousness on the part of the whites. Many of them were descended from Indians and many were descended from mulattoes lawfully married. \* \* \* The mulattoes were employed in towns and were hence more observed. I have seen great plantations with not one of them—all black.

If I were defending a side in the never ended controversy about the treatment of slaves by their masters, it would only

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<sup>1</sup>“Journey to the Seaboard Slave States,” p. 367.

be necessary to point out here that the essence of the misery of slavery in the South and elsewhere was not physical suffering, however frequently or infrequently that may have occurred, but the mental and spiritual wretchedness that follow a loss of liberty. If you deny the rights of man to the negro slaves you cut the heart out of the anti-slavery argument. By the side of the above testimony I shall place some statements from an unpublished book<sup>1</sup> of Dr. Eli W. Caruthers, of Greensboro, N. C., well known as the author of some valuable volumes relating to the history of the State. For events he claimed to know about he was the best kind of authority. Speaking of beating slaves cruelly, he said: "I have known a number [of instances] myself in which nobody in the neighborhood had any doubt that the death of the slave was caused by the severity of his treatment, but no attempt was made to punish the cruel perpetrators of the deeds."<sup>2</sup> The conjugal and parental instincts in the slaves were lessened on account of the frequent breaking of family ties by masters. "I have known some instances," said he, "in which [the slave family] have been permitted to live on in great harmony and affection to an advanced age, but such instances, so far as my observations have gone, have been 'like angels' visits, few and far between.' Generally, in a few weeks at most, they have been separated, sold off under the hammer like other stock and borne away to a returnless distance."<sup>3</sup> An evil result of this condition of affairs was that the negroes did not regard marriage as strictly as they ought. They married carelessly and separated easily. The result was much licentiousness. A few Christian owners did what they could to prevent the separation of their married slaves, but after their death, if not before, the slaves were sold for debt or to satisfy less scrupulous heirs.<sup>4</sup> In his own congregation was an excel-

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<sup>1</sup> "American Slavery and the Immediate Duty of Slaveholders." See the author's "Anti-Slavery Leaders," p. 56.

<sup>2</sup> *Ibid.*, p. 282.

<sup>3</sup> *Ibid.*, p. 299.

<sup>4</sup> *Ibid.*, p. 307.

lent man and wife, both slaves, who were very fond of one another and of their children. Their master died in debt. Their eldest daughter was sold to a speculator, and other children were also sold. The honest parents were heart-broken and succumbed under their sorrow. "I could fill a volume with similar instances," exclaimed the indignant writer.<sup>1</sup>

From an intelligent gentleman, who was a large planter in the eastern part of the State, I have the following :

Slaves were generally fed three times a day; but I knew several men who fed only twice a day. I practised medicine on many plantations and never found negroes that were so badly fed that it interfered with my treatment. A few people stinted their children and their slaves also. Usually the slave fared as well as the child, relatively speaking. If any difference was made it was in favor of the slave, who was property. I knew a few people who treated slaves badly. Such masters were brutal by nature. The morality of the negro was greater then than now. One fault, however, was the putting of more than one family into one room. This was not unusual on plantations. The profit to the employer of the labor of the slave was perhaps greater than that of the negro freeman to-day. The negro pays in a region where the ground has to be stirred steadily; but he does not pay in a grass or grain country. He has not enough of the faculty of direction for the latter. The negro does not want or need free circulation of air in his living quarters. As a rule he sleeps in badly ventilated apartments and seems to suffer no ill effects. This is a conclusion from my experience as a physician. They always sleep with their heads covered up. Nearly all like the taste of whiskey.

From the same source I am able to give an incident, piteous as it is, but which from the trustworthy and direct source from which it comes to me I am not able to doubt. It illustrates most touchingly the hardships which came from breaking the Africans into slavery. About the beginning of this century when the large Collins plantation on Lake Phelps, Washington County, was being cleared a number of negroes just from Africa were put on the work. One

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<sup>1</sup> "American Slavery and the Immediate Duty of Slaveholders." See the author's "Anti-Slavery Leaders," pp. 308 and 310.



of the features of the improvement was the digging of a canal. Many of the Africans succumbed under this work. When they were disabled they would be left by the bank of the canal, and the next morning the returning gang would find them dead. They were kept at night in cabins on the shore of the lake. At night they would begin to sing their native songs, and in a short while would become so wrought up that, utterly oblivious to the danger involved, they would grasp their bundles of personal effects, swing them on their shoulders, and setting their faces towards Africa, would march down into the water singing as they marched till recalled to their senses only by the drowning of some of the party. The owners lost a number of them in this way, and finally had to stop the evening singing. This incident was related to my informant by the gentleman who was overseer on this plantation when the incident occurred.

## CHAPTER V.

### THE TRIUMPH OF THE PRO-SLAVERY SENTIMENT.

*Slave Conspiracies.*—The possibility of slave insurrections was a source of the greatest solicitude to the Southern whites. This was heightened about the close of the last century by the Haytien outbreak and by the Nat Turner attempt in 1831. Probably the slaves as a body were more rebellious a century ago, when many of them were fresh from African freedom, and probably the whites as time passed knew better how to keep the slave from rebellion. Certain it is that after the early decades of the nineteenth century there were no attempts at conspiracy among the North Carolina negroes.

After the reported conspiracy in Beaufort County, just before the Revolution, no further trouble is reported till 1802. In that year the extreme northeastern part of the State was thrown into paroxysms of terror by reports of a slave insurrection. It is difficult to say just what was the extent of the danger there. The insurrection was at first reported to have gone through the counties of Camden, Currituck, Pasquotank, Perquimons, Chowan, Hertford, Martin, Bertie, Beaufort and Washington. At some places the slaves were reported to have done great havoc, though no definite acts of outrage were mentioned. Eighteen negroes were reported to have been executed and a large number to have been arrested. After awhile it was realized that "various extravagant and unfounded reports," as the *Raleigh Register*<sup>1</sup> put it, had been circulated. On July 27,

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<sup>1</sup> June 1, 22 and 29, 1802.

1802, this paper published a full story of the affair by a reliable witness. It appears that in May of this year a report came to be circulated that the negroes were about to revolt. All those who were strongly suspected were arrested. Excitement ran high, and mob violence was averted with difficulty. The negroes were at length frightened into confession. They admitted that June 10 had been set for the beginning of a general insurrection, and that they were threatened with death if they revealed it, or if they did not join it. On the night of the tenth they were to form into groups of seven or eight, fire the houses of the whites, kill the white males over six years old, kill the women, black and white, except the young and handsome white women, who were to be kept for wives, and the young negro women, who were to be kept for waitresses. After finishing in the country they were to go to Plymouth, N. C., where they expected reinforcements, and where the work of destruction was to be continued. A few arms were deposited in the swamps, and they expected to get others. They had been told by their leaders that the rising would cover the whole country. The leaders were obstinate, but after much whipping they confessed to the conspiracy. Two of them were executed, and the others were whipped and sent to their homes. How a whole State might be terrified by such reports as were then in the air is seen by the fact that false alarms were given in Halifax and Franklin Counties, and in the former a negro was tried and convicted, but the community soon recovered from its shock, and both whites and blacks joined to petition the Governor to pardon him.<sup>1</sup>

In 1805 an outbreak of a similar kind was reported in Wayne County, about which a correspondent wrote to the *Register*<sup>2</sup> as follows: "We have been engaged in this county in the trying of negroes for poisoning the whites ever since Monday last. One suffered death at the stake (was burnt

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<sup>1</sup> Raleigh *Register*, August 10, 17 and 24, 1802.

<sup>2</sup> *Ibid.*, July 23 and August 13, 1805.

alive) on Saturday last, for poisoning her master, mistress and two others. Two more are under sentence of death, and are to be hanged on next Wednesday." Thirteen, it was said, were in prison, but some of them had been brought from Sampson and Johnston Counties. The accused confessed that the plan was to kill the chief white men, and to keep the others in slavery. Later advices stated that one more negro was executed besides the two mentioned, and others had lesser punishments, as whipping, pillorying, transporting and cropping the ears. In neither of these outbreaks, it will be noticed, is there mention of Northern emissaries. Whatever plan there was among the negroes was probably due either to their own suggestion or to some negro who came in from the West Indies. Either source was not improbable. There must have been then, and perhaps always, a large number of stronger minded slaves who resented their situation. Of this class was one, "Yellow Jack," who was advertised in 1812 as a runaway, who had been overheard to say that "all should be free, and that he saw no reason why the sweat of his brow should be expended in supporting the extravagance and idleness of any man," or words to that effect.<sup>1</sup>

In 1822 there was a slave rising in Charleston, S. C., in which Denmark Vesey figured as leader. It had no effect on the slaves of North Carolina, much to the relief of the whites there.<sup>2</sup> But in 1821 there had been trouble of some kind in Jones County. The militia was called out, and in 1823 the Assembly allowed its claim for services. The Nat Turner insurrection of 1831 aroused great feeling in the State, and this was chiefly responsible for the state of terror that possessed the adjacent counties immediately thereafter, when news was circulated of a similar conspiracy in Sampson and Duplin. The terror spread as far as Wake, and even Raleigh was put into a state of defense, even the old

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<sup>1</sup> Raleigh *Register*, June 5, 1812.

<sup>2</sup> *Ibid.*, August 20, and September 6, 13 and 1822.

men past the militia age volunteering for service. Johnston County called on Raleigh for ammunition and received a supply. The report stated that seventeen families had been murdered by the slaves. When it was reported in Hillsborough that Raleigh was in imminent danger the former place at once raised a military company and sent it to the latter. On careful investigation the reports were found to have been much exaggerated. It seems that a free negro had revealed a concerted plan in Duplin, Sampson, New Hanover, Wayne and Lenoir Counties for the negroes to rise on October 4, 1831, march to Wilmington, where they expected to get arms and recruits. Whatever plan there was, no whites were harmed. Twelve alleged leaders were taken and shot, and three others were hanged in Duplin, and the people were restored to confidence. In Wilmington the excitement had been painful. At one time it was reported that the infuriated blacks had reached a point two miles from the city. The whole available population was put under arms.<sup>1</sup> When men were so carried away by the prevailing fear as to credit such reports as the latter it was not unlikely that some of their judgments were wrong. I have it on the authority of the son of the man who was at that time sheriff of Sampson County that the negroes executed for this crime there were innocent, and that he had often heard his father say as much. This was the last attempted slave insurrection, so far as I have been able to learn, in North Carolina. It is singular that we find no more periods of terror from reported slave insurrections after the triumph of the pro-slavery element. It would be interesting to know whether or not these frights were of political origin.

*The Growth of the Pro-Slavery Sentiment.*—Intimately connected with the reported slave conspiracies was the growth of a stronger pro-slavery sentiment. Each period of excitement tended to weaken the arms of those who hoped

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<sup>1</sup> Raleigh *Register*, October 15 and 21, 1831.



for final emancipation. It has been said that the Nat Turner insurrection and the active campaigns of Garrison and his associates turned the South into pro-slavery advocates. The statement is but partly true. The process of change in sentiment had begun some time before, and these events only hastened its culmination.

There was for some years before 1831 a considerable pro-slavery sentiment which made its presence felt in the Legislature. It was strongest in the East where there were more slaves. Opposed to it were the western counties. As they became more and more slaveholding, the non-slaveholding element leaving largely for the Western States, the pro-slavery faction was strengthened. They were, moreover, a party of action and they drew young men. Those who hoped for emancipation had no plan of action. They only awaited for some door to be opened to effect their hopes. They could not approve of the procedure of the abolitionists in the North. They realized that latent public opinion in the South was such that it would be folly to argue against slavery on the grounds of the rights of man. The half-hearted opposition they could make had no chance against the fervid arguments of the convinced and enthusiastic supporters of slavery.

The steps by which the pro-slavery minority was converted into a majority are obvious. In 1818 Mr. Mears, of New Hanover, introduced a bill to prohibit the teaching of slaves to read and write. It was lost on the second reading.<sup>1</sup> A year later a similar bill was unanimously rejected.<sup>2</sup> In 1825 a bill to prevent the escape of slaves by assuming the privileges of free negroes was indefinitely postponed. In 1825 free negroes were required to have license from the county justices to live in Raleigh. Licenses were given to those only who could prove good character.<sup>3</sup> In the same year the Governor in his annual message referred sarcasti-

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<sup>1</sup> Raleigh *Register*, December 18, 1818.

<sup>2</sup> *Ibid.*, December 10, 1819.

<sup>3</sup> *Ibid.*, February 18, 1825.

cally to resolutions of the Ohio Legislature in regard to abolition in the Southern States. He appreciated the interest of the non-slaveholders, but hoped they would "shortly learn and practice what has familiarly been termed the *Eleventh Commandment*, 'Let every one attend to his own concerns.'"<sup>1</sup> In the same year a bill to restrain improper conversation between mulattoes and free negroes on the subject of freedom was lost in committee.<sup>2</sup> Another bill to prevent the education of slaves, a bill to prevent free negroes from migrating to North Carolina and a bill to forbid emancipation societies were introduced but lost, the second by a vote as close as 56 to 47.<sup>3</sup> Evidently the pro-slavery men were in earnest.<sup>4</sup>

The matter became graver in 1826. In his message the Governor referred to a petition from the Vermont Legislature to the North Carolina government praying for the abolition of slavery. The Northern agitation, he thought, "demanded from us a sleepless vigilance." He recommended revision of the laws relating to the militia, to the patrol, and to the immigration of free negroes.<sup>5</sup> A warm debate followed in the Senate. Mr. Speight, of Greene, was particularly beligerent. "As a North Carolinian he felt that he was being imposed upon, and that there was an improper attempt to dictate to the Southern States in what manner they should govern their own property; and before he would tamely acquiesce in any infringements of his rights in this par-

<sup>1</sup> Raleigh *Register*, November 29, 1825.

<sup>2</sup> *Ibid.*, December 6, 1825.

<sup>3</sup> *Ibid.*, December 30, 1825, and January 3, 1826.

<sup>4</sup> It is curious to read the estimate of the North Carolina Manumission Society in 1825, as to the sentiment of the people of the State on the question of emancipation. They said that  $\frac{2}{10}$  of the people wanted immediate emancipation,  $\frac{3}{10}$  wanted gradual emancipation,  $\frac{4}{10}$  wanted emigration,  $\frac{1}{10}$  were totally indifferent,  $\frac{3}{10}$  were ready to support schemes of emancipation,  $\frac{2}{10}$  opposed emancipation because impracticable, and  $\frac{3}{10}$  were bitterly against it. See Weeks: "Southern Quakers and Slavery," p. 241.

<sup>5</sup> Raleigh *Register*, December 29, 1826.

ticular he would destroy the constitution, law and everything most dear to him." He favored referring the matter to a committee. Mr. Forney, of Lincoln, counseled moderation. "There was," he said, "a good deal of sensibility excited whenever this subject was mentioned, and a disposition was felt to take umbrage when no offense was intended." The Senate referred the matter to a committee, but with what result does not appear.<sup>1</sup> In the Assembly of 1827-28 there were several bills in regard to minor features of the slave controversy, but none passed. In 1828-29 a bill was introduced to prohibit the education of slaves and on the recommendation of the Judiciary Committee it was rejected. Both here and in the following year other bills were introduced to restrict the activity of slaves, but they failed to pass. It was only when the Governor sent in to the Assembly a copy of an inflammatory circular found in North Carolina and in other States, that passion rose to summer heat again. Slavery, said the Governor in his message, was a fixity, and "it would be criminal in the Legislature to attempt to avoid any responsibility growing out of this relation." It was known that free negroes had helped to circulate such literature as this, and it was recommended that they be required to give bond not to do so in the future. The Governor's note of warning was heard. The first bill introduced was to regulate the patrol. A committee of the House of Commons was instructed to inquire into the expediency of preventing the education of slaves, and a number of other restrictive bills and resolutions followed quickly.<sup>2</sup>

The incendiary publication referred to was by one Walker, of Boston.<sup>3</sup> I presume this was David Walker, the third edition of whose "Appeal in Four Articles" had just been issued. This appeal, said he, was made to rescue the negro from wretchedness in consequence of slavery, ignorance, reli-

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<sup>1</sup> Raleigh *Register*, January 2, 1827.

<sup>2</sup> *Ibid.*, November 18 and 25, and December 2, 1830.

<sup>3</sup> *Ibid.*, December 9, 1830.

gious teachers and the colonization plan. It was written by a negro and was intended to incite negroes to progress. They were urged not to be content with the position of menials, but to educate their children. The habit of the whites of teaching negro children in Sunday Schools was denounced, evidently because it tended to make the negroes contented with slavery. Garrison reprinted much of this pamphlet in one of the early numbers of the *Liberator*.<sup>1</sup> It was not openly and violently incendiary, to be sure, but it aimed to make the negro discontented with his lot, and falling into the hands of slaves might well be construed to lead to any kind of a stroke against their shackles. To the North Carolina Legislaure it was a most serious matter. The Senate went into secret session on it, the second secret session in the history of the State. The bill to prevent slaves being taught to read and write was taken up and went through the Senate on its second reading without a division. Mr. Robert P. Dick, of Guilford, protested in the name of many of his constituents who conceived that it was their duty to teach the slaves to read the Bible.<sup>2</sup> The bill was finally enacted. The tide had turned. The pro-slavery minority that had often tried to pass this bill had at last been able to get it through. This faction was not only supreme in the Assembly, but it soon became supreme in society at large. It took its case into the realm of literature. Arguments sociological, arguments ethnological, arguments psychological, arguments biblical, and goodness knows how many others were hurled at the slave. The very nature of the controversy engendered passion. The abolitionist considered slavery a crime against the slaves. His saying so reflected on the moral integrity of the masters. Specifications of the criminality were enumerated. The masters became angrier. The passions once kindled might be relied on to keep themselves burning. It would have

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<sup>1</sup>*The Liberator*, April 23, 1831.

<sup>2</sup>*Raleigh Register*, December 9, 1830.

taken admirable self-control for either side to have stopped or to have turned aside the flood. Said Mr. Julius Rockwell: "It is no credit to the civilization of the nineteenth century that slavery could not have been abolished without that horrid war." It was slavery itself that defeated the humaner forces of civilization. Had slavery not been slavery the minds of men might have been calmer in its presence, but then there had been no need of abolition.

After the triumph of 1830 the dominant faction was more determined than ever to protect slavery. The Governor in his message in 1831 referred to the discontent among the slaves, and recommended the organization at the expense of the State of a reliable county militia to be held ready to march at a moment's notice. His recommendation was not adopted. Neither were a number of bills brought in to restrict the action of slaves.

In 1835 a joint committee on incendiary literature, of which Thomas G. Polk was chairman, reported in favor of a permanent policy in regard to such literature. This the State could undoubtedly do and "no other State, and no other portion of a people of any other State can claim to interfere in the matter, either by authority, advice, or persuasion; and such an attempt, from whatever quarter it may come, must ever be met by us with distrust and repelled with indignation. \* \* \* Whatever institution or state of society we think proper to establish or to permit is by no other State to be disturbed or questioned. We enter not into the inquiry whether such institution be deemed by another State just or expedient. It is sufficient that we think proper to allow it. \* \* \* We do full justice to the general sentiments and feelings of our fellow-citizens in other States, and are fully aware that the attempts to injure us are made by a small minority—composed probably of many misguided and some wicked men, and that these attempts meet with no favor, but on the other hand with marked disapprobation from a large majority of the communities in which they are made. Still it must be recollected



that from the nature of the means employed the danger to us is the same." "We asked not assistance," continued the committee, "to put down insurrectionary movements among our slaves, for should such occur we are fully able to put them down ourselves. But we ask that our slaves and ourselves may be relieved from external interference. Left to themselves, we believe our slaves, as a laboring class, are as little dangerous to society as any in the world. But we do ask, and think we have a right to demand, that others do not teach them evil of which they do not think themselves." The report closed as follows: "Though we feel the greatest attachment for the Union, and would do all in our power to strengthen and perpetuate it, yet we are not ready to surrender those very rights and blessings which that Union was formed to protect; and should the means now adopted prove ineffectual in stopping the progress of these attacks on our peace and happiness, we would invoke the aid of the other slaveholding States that there may be concert of action in taking such steps as the occasion may demand."<sup>1</sup> With this report were some resolutions in the same spirit, and these were passed by a large majority.

By the side of this I should like to place a resolution which the *Raleigh Register*, June 4, 1836, said had just been adopted by the New England Anti-Slavery Society. It read:

*Resolved*, That regarding a surrender of the right of free discussion upon the altar of Southern slavery as involving on our part the commission of moral suicide, treachery to the cause of civil liberty, of humility and guilt before high Heaven, we hereby pledge ourselves to one another—to the oppressor and the oppressed—to our country and our God—that, undeterred by threats or persecution at common law, whether in the messages of the governors, the pages of our theological reviews, or the reports of legislative committees—come what may, gag law or lynch law, we will never cease to work for its exercise—full, free, and undiminished—until the last fetter shall be broken and slavery and prejudice shall be buried in one common grave.

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<sup>2</sup> *Raleigh Register*, January 5, 1836.

Alas! that was a good way to bury slavery, but neither the resolutions of the North Carolina Assembly nor those of the New England Society were calculated to diminish prejudice.

The change in public opinion is well illustrated by the course of the *Raleigh Register*. Its editor, Joseph Gales, had left England in 1794 on account of a certain connection with a violent pamphlet of a French republican flavor. His love of liberty made him steadily opposed to slavery. He was a follower of Jefferson and later on a Whig. He certainly did not represent the general sentiment on the slavery question, but even the opinions of his paper were not proof against the pro-slavery impulse of public thought. In 1818 the *Register* described slavery as "a Upas tree of most frightful dimensions and most poisonous qualities." In 1825, when another paper declared that the *Register* was "very little in unison" with the opinions of the great body of slaveholders, Mr. Gales replied:

We consider slavery an evil, a great evil, but one imposed on us without our consent, and therefore necessary, though we cannot believe irremediable, hopeless and perpetual. On the simple question: "Ought slavery to exist?" we presume but few persons would answer in the affirmative, and still fewer would be found bold enough to advocate the practice as being right in itself or to justify it, except on the broad plea of necessity. That it would conduce equally to the interest and happiness of the slaveholding States to get rid of this part of our population few will deny. It is a dead weight which mars all enterprise and clogs the wheels of the political machine. None can doubt that if North Carolina could give the whole of her colored population for one-half the number of whites she would be among the foremost in the race of active improvements now running by most of the free States. We hope the time will come, though it is probably far distant, when a better order of things will prevail in this respect.<sup>1</sup>

In 1830 the *Register* had begun to change its tone. It pronounced "highly seditious" the anti-slavery articles then

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<sup>1</sup> *Raleigh Register*, September 20, 1825.

appearing in the *Greensboro Patriot*, of which William Swaim was the editor. In 1835 the *Register* declared itself as follows :

Until recently we were disposed to regard the movements of the abolitionists with indifference and contempt ; but it is folly to shut our eyes to the fact that they are rapidly augmenting in numbers, and that their zeal and exertion are increasing in even greater ratio. By a late circular, signed by Arthur Tappan, Lewis Tappan, the Rev. Dr. Cox, etc., it seems that they are determined to raise \$30,000 during the present year to be devoted to printing and circulating *gratuitously* inflammatory papers calculated to do extensive mischief.<sup>1</sup>

Four weeks later the same paper, on the authority of Lewis Tappan, said that the abolitionists had printed 175,000 abolition circulars, of which 1000 had been destroyed in Charleston. "The rest," said Tappan, "are accomplishing the designs intended throughout the United States. We will persevere, come life or death. If any fall by the hand of violence, others will continue the blessed work." By this time the *Register* was out and out a pro-slavery organ. This change in sentiment in a most conservative paper—the editorial management of which remained continually in the same family—father and son—during this entire period, must have been indicative of a much stronger popular change.<sup>2</sup>

Co-existent with the facts just mentioned there was a strong political side to this change. The Whigs were, for most of the period before the Civil War, more opposed to slavery than the Democrats. They now found themselves uncomfortably placed between two fires. Abolitionists charged them with favoring slaveholders. Pro-slavery people charged them with a leaning towards Northern abolition doctrines. Each charge was denied. In each there was some

<sup>1</sup>Raleigh *Register*, October 1, 1835.

<sup>2</sup>Sometime before his death in 1842 Joseph Gales went to live in Washington City, leaving the editorial management of the paper in the hands of his son. I can find no date for this, but it was hardly so early as 1835. At that time the paper announced at its head that it was published by "Gales and Son."

show of truth. Whiggery was already being dragged into the maelstrom of sectionalism, which was destined to destroy it. In North Carolina it did not dare to oppose slavery. At the time about which I have been speaking, another issue overshadowed all others. It was the question of apportionment of seats in the Assembly. The Constitution provided that each county should have equal representation. The western counties were larger than many eastern counties and demanded an apportionment of seats according to population. The struggle was won by the West, and the desired reform was accomplished by the constitutional convention of 1835.<sup>1</sup> This put a new complexion on State politics for a few years; but as soon as this issue was forgotten—and it was not long in doing so—the two parties were drawn into discussion of the slavery question. It was in the campaign of 1840 that the matter first became prominent. The *Standard*, a Democratic paper at Raleigh, called the Whigs “abolitionists.” The *Register*, which was the leading Whig organ, charged Van Buren with favoring negro equality. The controversy became warm. The Democrats attacked Mr. Morehead, Whig candidate for Governor, because he had prepared a report against the bill to prevent the instruction of slaves. The Whigs replied that Mr. Haywood, the Democratic candidate, had done the same thing. The Whig candidate was looked upon with suspicion, because he was from Guilford County, where anti-slavery ideas were abundant. The Whigs replied by charging that Mr. Saunders, a Democratic ex-Congressman, had presented to Congress a petition from the Manumission Society of Guilford County. When the Whigs finally won in 1840 the *Register* announced the victory under the headlines: WHIGGERY VICTORIOUS! THE BLACK FLAG OF ABOLITION LAID LOW!

After 1840 the controversy slept till 1846, when the Wilmot Proviso was introduced. It now became violent.

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<sup>1</sup>See the author's “Suffrage in North Carolina,” Report of the American Historical Association, 1895.

The Democrats had the Whigs on the defensive. The latter were forced to repudiate the action of the New England Whigs, who had just endorsed the proviso in a convention at Springfield, Mass. The result was satisfactory. The Whigs were still strong, and carried the State by what was then a substantial majority of 7000. In 1848 the controversy for equal suffrage began, the Democrats favoring it and the Whigs opposing. It ran strong, but the feeling on the slavery question was not allayed. The two parties vied with one another in denouncing abolition.

In the storm of feeling which preceded the compromise measures of 1850, North Carolina was not untouched. The strongly conservative feeling of the State was brought into play, and the resolutions which were introduced into the Legislature were milder than they would have been in some other Southern States. On January 16, 1849, the Assembly resolved all but unanimously, that to forbid slavery in the District of Columbia or in the territories would be a "grave injustice and wrong" and contrary to the spirit of the Constitution, and that they were willing to stand by the Missouri Compromise. An amendment to these resolutions was offered by the House of Commons and concurred in by the Senate, pledging the State more strongly than ever to the Union and repudiating "whatever may suggest even a suspicion that it can in any event be abandoned. This amendment was introduced into the House by Edward Stanley, of Beaufort County,<sup>1</sup> who was a Union man of the strongest sort.

In the session of 1850-51 the same matter came up again. A joint committee was appointed to act for the two Houses. A report was prepared and submitted. It was in favor of accepting the Compromise of 1850, but sounded a note of warning in regard to the Fugitive Slave Law. There were many resolutions on this subject before the Assembly. One of them expressed, perhaps, pretty thoroughly the feeling

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<sup>1</sup> Journal of the Assembly of 1848-49, pp. 717 and 725.



of most of the members. It ran: "*Resolved*, That we will have the Fugitive Slave Law or fight." Many amendments were offered to the resolutions of the committee, and an intricate debate was just beginning when the matter suddenly dropped out of the journal of the Assembly, leaving us to guess the cause. Perhaps it was because the Assembly was brought to realize the futility of bringing on a discussion which would create feeling and endanger the Union, all to accomplish no definite end. The compromise laws had then been passed in Congress, and as yet the Fugitive Slave Law had not been tried. It was evidently in the interest of good sense to say nothing about the slavery question.

The last decade before the war was quiet enough so far as the political relation of slavery was concerned. There was, as the crisis approached, a considerable amount of sectional recrimination, but it does not belong to the history of slavery, but rather to the larger history of the great sectional struggle. In the meantime, and, indeed, for a decade and a half previously, there had been no legislation of importance which bore on slavery. The status of the slaves had been fixed to the satisfaction of the masters by the legislation which came closely before or after 1830. This intermediate period was marked by profound quiet on the part of the slaves. The negroes were prostrate, restrained at every point by law. So completely were they subjected that they gave no trouble during the war that followed. During this war it was not found necessary to amend the law controlling the conduct of slaves at any vital point. This quietude of the slaves has been attributed to their good nature. It ought to be attributed to their lack of *esprit du corps*, their lack of organization, and their fear of the whites. They did not remain quiet because they loved slavery. They had small opportunity for rebellion. The counties were closely defended by home guards, embodied from the old men and the youths and in each State till the end of the war there were easily accessible bodies of troops which would have crushed with fearful promptitude an attempt at insurrection. No revolt

that the negro could have made would have stood a week. That the negroes were willing enough to have their liberty, even at the expense of the lives of their masters, is shown by the readiness with which they enlisted into regiments in the Union Army, and by the desperate courage with which, raw as they were, they frequently bore themselves in battle when under the leadership of competent white officers.

## AUTHORITIES.

With few exceptions, I have been thrown back on *Quellen*, and of this class of material the pieces have been varied and multitudinous. Slavery is unannalled so far as the slaves themselves are concerned. I have been forced to pick up information here and there as it is found in the documents and other literature of the white man. At best I can hope for but little more than that this, and other works of mine on slavery in North Carolina, may serve for a point around which many more facts not now in the range of my knowledge may be gathered, till at last the subject is known through and through.

My chief sources of information have been laws and legal opinions. Of these are:

Laws of North Carolina, 1790.

Laws of North Carolina, 1821.

Revised Statutes of North Carolina, 1837.

Revised Code of North Carolina, 1835.

Journals of the North Carolina Assembly.

Reports of the cases in the North Carolina Supreme Courts.

I have found much information in the newspapers of the day, particularly the *Raleigh Register*, and the *North Carolina Standard*.

Other materials of a more miscellaneous nature are:

Caruthers, E. W.: *American Slavery and the Immediate Duty of Slaveholders*, an unpublished manuscript now in possession of the library of Greensboro Female College (N. C.)

Wightman: *Life of Bishop Capers*.

Drew: *Life of Dr. Thomas Coke*.

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The Early Development of the  
Chesapeake and Ohio Canal  
Project.



SERIES XVII

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History, is past Politics and Politics are present History.—*Freeman*

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The Early Development of the Chesapeake  
and Ohio Canal Project.

BY  
GEORGE WASHINGTON WARD, Ph.D.

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# The Early Development of the Chesapeake and Ohio Canal Project.

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## INTRODUCTION.

The Chesapeake and Ohio Canal, as it exists to-day, lies on the north shore of the Potomac River, forming a navigable water-way between Georgetown, near the head of tide-water in the Potomac, and Cumberland, at the eastern base of the Alleghany Mountains, where Will's Creek joins the Potomac. The canal is one hundred and eighty-six miles in length, sixty feet wide at the surface (with some exceptions) and six feet deep. There are two very expensive aqueducts, besides many culverts. The water supply is drawn from the Potomac by means of six dams with their feeders, while the difference in level between Georgetown and Cumberland is overcome by eighty-one locks.

Ground was broken for the work by John Quincy Adams, then President of the United States, on the Fourth of July, 1828, the same day on which ground was broken for the Baltimore and Ohio Railroad, by the venerable Charles Carroll, of Carrollton. Thus auspiciously begun under the patronage of the United States, the Chesapeake and Ohio Canal soon came into the care of the state of Maryland, and was not completed to Cumberland until October, 1850, more than twenty-two years after the work was commenced. Such, in a word, is the origin of the Chesapeake and Ohio Canal.

"The Chesapeake and Ohio Canal project" was something of a widely different character. It is to the history of the project that this monograph is chiefly devoted. So

voluminous are the materials that it has been a difficult matter to select and arrange only those more important facts which have a direct bearing upon the development of the "project." The constant aim, however, has been to do this in such a manner as to show:

I. The slow process of evolution through which the idea passed; and,

II. The relation of the United States Government to that development.

Incidentally, light has been thrown upon the cause of the failure of the canal, upon the historical relation of the Baltimore and Ohio Railroad to the canal, and other points not without their interest. In proportion as the purpose of the paper has been accomplished it will appear that the Chesapeake and Ohio Canal project was launched upon the tidal wave of the "American System," dashed to pieces by the sudden recession of that wave, and left stranded on the southern shore of Maryland. Deserted by the Federal Government, when no more than twenty miles of the canal had been opened to navigation, Maryland furnished the millions with which the work was finally completed to Cumberland.

## CHAPTER I.

### EARLY DEVELOPMENT OF THE TRADE ROUTE BY WAY OF THE POTOMAC.

The Chesapeake and Ohio Canal project had its origin in the abiding conviction that the shortest route from the seaboard to the Ohio Valley; that, namely, by way of the Potomac and Monongahela Rivers, should and would become the great thoroughfare of trade and communication between the regions east and west of the Alleghany Mountains. The importance, amounting almost to necessity, of establishing and maintaining such a route was very early perceived. The Ohio Company was organized in 1748,<sup>1</sup> primarily to promote the settlement of the Ohio Valley,<sup>2</sup> and, incidentally, to trade with the Indians.<sup>3</sup> So early as 1749 the boats of the Ohio Company had ascended the Potomac from the head of the Great Falls;<sup>4</sup> and in 1750 a storehouse was built at the point where Will's Creek falls into the north branch of the Potomac, on the site of the present city of Cumberland.<sup>5</sup> Trade flourished from the start, and in 1752, the company having determined to make Will's Creek a permanent trading post, a second storehouse was built. So rapid was the growth of business at this point that a town was laid out with streets, lanes and squares subdivided into lots. This town, which lived and had its being only on the surveyor's plats, was named Charlottesburg, in honor of the

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<sup>1</sup> Winsor: "Narrative and Critical History of America," V, 570.

<sup>2</sup> Lowdermilk: "History of Cumberland," 26-33.

<sup>3</sup> *Ibid.*, 31.

<sup>4</sup> House Report No. 90, 19th Congress, 2d Session, 2.

<sup>5</sup> Lowdermilk's "Cumberland," 29. Fort Cumberland erected on this site, 1754-5, 89.

Princess Charlotte Sophia, afterwards Queen of George III. Beyond Charlottesburg there was nothing worthy the name of road.<sup>1</sup> The English had but lately (1744) acquired a doubtful title to any territory west of the Alleghanies;<sup>2</sup> and when Christopher Gist, the surveyor for the Ohio Company, left Will's Creek, in 1749, to explore the Ohio Valley, he found only an Indian trail leading thence to the West.<sup>3</sup> Over this same route Washington made a temporary road<sup>4</sup> to accommodate the little army of two hundred Virginians which he led against the French in the summer of 1754.<sup>5</sup> Later, when, in 1755, Major-General Braddock, with his two regiments of regulars, came to the assistance of the Virginians, the route by which he should proceed from his headquarters at Alexandria was decided upon economic rather than upon military principles, a circumstance which had more to do with the failure of the expedition than did the stubbornness of Braddock. It was not the blindness of Braddock, but too great eagerness on the part of Virginia to improve the Potomac route that is responsible for the overthrow of an ably conducted expedition.<sup>6</sup>

It was decided by a council of the governors of the colonies held by invitation of General Braddock at Alexandria, Virginia, April 14, 1755, that Braddock should lead the expedition against Fort Duquesne. This expedition, which was to proceed from Alexandria, would have choice of two routes. Braddock might lead his men through Pennsylvania, or through Maryland by way of the Potomac River and Fort Cumberland. The route by way of Pennsylvania offered the advantages of a settled country with roads already made. That by way of the Potomac led through a rugged, mountainous region with scarcely a settlement beyond a point eighty miles east of Fort Cumberland, while west of Fort Cumberland there was not even a road worthy of the name. If, then, the Potomac route should be chosen

<sup>1</sup>Lowdermilk's "Cumberland," 30, 31.   <sup>2</sup>*Ibid.*, 31, 32.   <sup>3</sup>*Ibid.*, 28.

<sup>4</sup>Winsor: "The Mississippi Basin," 279.

<sup>5</sup>Winsor: "Narrative and Critical History," V, 493-4.

<sup>6</sup>Parkman: "Montcalm and Wolfe," I, 196, 214.



it would be necessary to make a military road for a distance of more than one hundred miles through the Alleghany Mountains before the expedition could reach Fort Duquesne.

This single difficulty, had there been no others, should have settled the question decisively in favor of the Pennsylvania route, which offered comparatively easy roads with ample provisions. But the very consideration which, from a military point of view condemned the Potomac route, was precisely that which, from the Ohio Company's point of view, made it so important to adopt that route; the fact, namely, that Fort Cumberland and Gist's settlement on the Ohio were separated by more than one hundred miles of rugged, roadless mountain wilderness. Because of the profit which the consequent improvement of the Potomac route would bring to the company, one of its stockholders, John Hanbury, of Pennsylvania, is said to have "cajoled the Duke of Newcastle into ordering" the Potomac route. Governor Dinwiddie, of Virginia, was also interested in the Ohio Company and for that, as well as other reasons, used his influence for the Potomac route.<sup>1</sup>

How difficult and tedious the making of this road proved to be; how ample time was allowed the French to concentrate their forces at Fort Duquesne and to become fully acquainted with all the plans and movements of Braddock, so as to make sure of his defeat, needs no rehearsal here. It is worth while, however, to remark that already, in 1755, the trade route by way of the Potomac had become a question of sufficient importance to influence the decision of national and military affairs. That trade route must be held responsible for the most serious disaster suffered by the victor in a struggle for the possession of a continent.

The apparent compensation for the enormous obstacles to be met beyond Fort Cumberland was the bare possibility

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<sup>1</sup> Winsor: "Narrative and Critical History of America," V, 495. "The Mississippi Basin," 356-60.

that supplies might be forwarded by boat as far as the headwaters of the Potomac. This possibility was promptly canvassed by Governor Sharpe, of Maryland, and Sir John St. Clair, who, in January, 1755, made a careful examination for the purpose of ascertaining the navigability of the Potomac between Fort Cumberland and Alexandria. They reported that the river channel would be opened to navigation throughout by the removal of the rocks which form the Great Falls. St. Clair thought this might be done at least sufficiently to allow the passage of flat-bottom boats; but the experiment was not made.<sup>1</sup>

During the French and Indian War the operations of the Ohio Company were practically suspended. At the close of the war the company itself was suspended, or rather merged into the Grand Company.<sup>2</sup> The Grand Company came to nothing, and no further attempts were made to develop the Potomac route till the War for Independence had been fought and won.<sup>3</sup>

The tendency of commercial and economic considerations to take precedence, and to determine the more distinctly political affairs of a country has rarely been more apparent than in the history of the Potomac trade route. Economic considerations led to the choice of that route for Braddock's expedition, and the road was actually opened to the Ohio by his forces. Economic questions again came to the front immediately upon the close of the Revolutionary War, and efforts were at once made to improve the commerce of the new country.<sup>4</sup>

In the South, Washington strove to rouse Virginia and Maryland to the importance of opening the Potomac for navigation as far as Cumberland. From that point west he thought that the two states should jointly maintain a road.<sup>5</sup> In the line of these suggestions a joint committee

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<sup>1</sup> Lowdermilk: "History of Cumberland," 103.

<sup>2</sup> *Ibid.*, 33.

<sup>3</sup> House Reports, 19th Congress, 1st Session, Report No. 228, 4.

<sup>4</sup> "Narrative and Critical History of America," VII, 219, 220.

<sup>5</sup> Pickell: "A New Chapter in the Life of Washington," 46.

was appointed by Maryland and Virginia to consider plans for improving the navigation of the Potomac. The committee, with Washington as its presiding officer, met in December, 1784. The result of that meeting was the Potomac Company.

Incorporated by Virginia and confirmed by Maryland, the company was organized at Alexandria, Va., on the 17th of May, 1785, with George Washington as president. The first and chief, if not the only, work then expected of the company was to clear the channel of the Potomac for navigation as far as Cumberland. The extension of the route from that point to the Ohio by means of a road would open easy and rapid communication between the rapidly filling West and the seaboard, thus establishing a bond of economic interest as well as one of friendship between these two sections of the infant republic.<sup>1</sup>

From this it is plain that Washington foresaw at least so long ago as 1784 what has long been to us matter of history, namely, that the commercial center to which a people habitually look must, under ordinary economic conditions, become the centre of power which controls political action and to a great extent determines political allegiance. To understand correctly this point—one of the earliest, strongest and most persistently used of all the arguments urged for the establishment and maintenance of the Potomac route, first for river navigation and later as a canal—it is necessary to recall the fact that, in 1784, the now familiar method of creating new states had not yet been discovered. How to deal with this new empire so rapidly rising in the West was, therefore, a rather puzzling question. The French held the Mississippi, and it was reasonably feared that if the trade of the country west of the Alleghanies should be allowed to float down the Ohio and Mississippi to the French, there would be little ground for expecting the inhabitants of that region to remain politically united with

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<sup>1</sup> House Reports, 19th Congress, 1st Session, 9.

a government which could do nothing for them but tax them. Thus, while the Potomac Company was commercial only, there were certainly very sound and strong reasons politically for the maintenance of such a corporation.

In order to secure the best results it was necessary for the states of Virginia and Maryland to arrive at some definite understanding about the division of privileges and responsibilities in the navigation about to be opened. For this purpose a meeting of the most influential citizens of both states assembled at Alexandria, in Virginia, March 21, 1785. Later, at the invitation of Washington the meeting adjourned to Mount Vernon, March 28, 1785.<sup>1</sup> The minutes of this meeting, if any were made, do not appear to have survived. If it could be known more definitely what happened in that Mount Vernon retreat around the hospitable board of Washington, we should be able to see more clearly how the history of the Potomac trade route stands related to the origin of the Federal Constitution.<sup>2</sup>

The Potomac Company, which had received a charter

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<sup>1</sup> *Laws of Maryland, 1785, chap. I, Preamble.*

<sup>2</sup> Out of the discussions relative to opening the Potomac River to navigation and the principles which should govern the use of that navigation by Maryland and Virginia, there grew a wider discussion of the condition of trade in the colonies generally. In the absence of anything like a national policy in regard to commerce there existed such obstacles to trade between the colonies themselves, to say nothing of foreign trade, that Madison left the Mount Vernon Conference determined to secure a more representative meeting. As a result of Madison's earnest representations the General Assembly of Virginia, at its next session, issued an invitation to the colonies to send delegates to a meeting to be held at Annapolis, Maryland, to take into consideration the condition of trade in the colonies. Thus the Annapolis meeting of 1786 sprang directly out of the Potomac trade route agitation. Out of the Annapolis meeting sprang the Convention which met in Philadelphia, 1787, to revise the Articles of Confederation. The fact that this Convention is known only as the Constitutional Convention should not obscure its origin in the effort of Southern statesmen to develop the Potomac trade route.

from Virginia in October, 1784,<sup>1</sup> confirmed by Maryland early in 1785,<sup>2</sup> "for opening and extending the navigation of the Potomac River," did not prosper. The most serious obstacles to the passage of boats down the river were the Little Falls, five miles above Georgetown, and especially the Great Falls, about seven miles higher up. At these points the water is so rapid and the rocks in the channel so formidable that the only means of passage that promised success was that by canal and locks. But besides overcoming these obstacles of a really serious character, the Potomac Company accomplished more than has generally been supposed towards opening a passable river navigation.

Descending the Potomac the first obstacle is encountered at House's Falls, five miles above Harper's Ferry. Here a canal was made fifty yards in length with a total fall of three feet. Around Shenandoah Falls, immediately above Harper's Ferry, a canal was dug on the left bank of the river one mile long with a total fall of fifteen feet. At Seneca Falls a third canal was constructed three-quarters of a mile in length with a total fall of seventeen feet. To that point no locks had been found necessary. On examining the Great Falls it was found that the river at that point makes a descent of seventy-six feet nine inches in the short space of twelve hundred yards. Besides the difference in elevation the shores for some distance below the falls are perpendicular cliffs towering thirty feet above the river, making the return of a canal to the channel both difficult and expensive. And yet by a triumph of engineering remarkable for that age the passage was effected.

The canal, on the Virginia shore, is still traceable throughout its entire length of about three-quarters of a mile. The locks, though constructed more than a hundred years ago, might be used to-day but for the forest trees which have sprung up, in one instance at least, directly

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<sup>1</sup> Henning's "Statutes of Virginia."

<sup>2</sup> Maxey's "Laws of Maryland," I, 488-500. "Laws of Maryland," 1784, chap. xxxiii.



through the walls. The last two locks, descending through which boats were passed out again into the river, are chambered out of the solid rock with no interval but the partition-gate serving both locks. Each has a lift of over eighteen feet, nearly three times the average lift of a canal lock.

The fifth and last canal, passing the Little Falls on the Maryland shore, is something over two miles in length. The total fall is over thirty-seven feet, overcome by the use of four locks. Much work also was done throughout the river channel, deepening it and removing rocks.<sup>1</sup>

Nevertheless, the Potomac Company was only moderately successful under the immediate presidency of Washington. With his death, involving the loss of his influence and wise counsels, prosperity may be said to have departed. Indeed, soon after organization it became evident that the company could not meet the requirements of the charter as to the time within which the river was to be opened to navigation, and from time to time extensions were granted by the General Assemblies of Maryland and Virginia.<sup>2</sup> So things went on till 1819. The terms of the charter had not yet been complied with, and the company, after an existence of thirty-five years and the expenditure of over \$700,000, including stock, debts and tolls, with the exception of one small dividend of \$30,000 paid in 1811, applied to the Board of Public Works of Virginia for relief.<sup>3</sup>

Soon after the creation of the Board of Public Works by an act of the General Assembly of Virginia, in 1816, the Board suggested in a report to the legislature, that a connection might be effected between the waters of the Potomac and the Ohio by navigable canal.<sup>4</sup> This is prob-

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<sup>1</sup> See for detailed minute of the works of the Potomac Company. "Reports," etc., 17th Congress, 1st Session, XI, Report No. III, 14-17.

<sup>2</sup> See "Acts, etc., Relating to the Chesapeake and Ohio Canal," Washington, Gales & Seaton, 1828, 113-116, 139, 140.

<sup>3</sup> For further details see chap. iv. of this monograph.

<sup>4</sup> House Reports, 19th Congress, 2d Session, Report No. 90, 2.

ably the earliest official suggestion of a continuous canal from tide-water in the Potomac to the head-waters of the Ohio. But the proposal was allowed to fall to the ground, and when, after several years, the subject was again agitated, the nationalizing tendencies in the Federal Government had proceeded so far that the canal project was soon drawn away from private, almost from state, influence, and developed under the auspices of the United States.

In order that the place of the Chesapeake and Ohio Canal project in the "American System" may be understood, it becomes necessary to notice in the next chapter the attitude of the Federal Government towards internal improvement during the first twenty years of the nineteenth century.



## CHAPTER II.

### GALLATIN'S REPORT ON THE SUBJECT OF INTERNAL IMPROVEMENT.

In the United States there was no great transportation line until the Erie Canal was opened to navigation in 1825. For this there were two main reasons. First, private capital, and even state resources, had proved inadequate to the magnitude of such works as the widely extended territory of the country demanded. Second, the Federal Government, though possessing the means, hesitated between constitutional interpretation and the actual necessities of commerce, while for twenty years the country waited most impatiently for the decision only to discover at last that internal improvement in the United States must be initiated, at least, by private or state enterprise.

To provide for the common defence and to regulate commerce are duties assigned by the Constitution to Congress,<sup>1</sup> while the implied powers clause gives to that body power to make all laws necessary for the execution of these duties. Such were the arguments of those who favored internal improvement by the Federal Government. On the other hand, there had been from the foundation of the government a strong party in favor of limiting the powers of the Federal Government as nearly as possible to the letter of the Constitution. In 1801 this party, with Jefferson at its head, came into power. When the men of the strict construction party were thus brought face to face with the difficulties of actual government, they found it necessary to use power enough to govern efficiently even at the expense of their platform. Expediency conquered theory, though an effort was made to cover the defeat by a constitutional

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<sup>1</sup> Article I, sec. 8.

amendment authorizing what had already been done under the plain requirements of the situation.<sup>1</sup> From that time forward nationalizing influences were kept at work by a succession of events beyond the control, perhaps, of any man, or even of any party.

Europe was distracted by a devastating war and as early as 1803 signs were not wanting that the United States would be drawn into the conflict.<sup>2</sup> Such a contingency emphasized the importance of a complete system of internal improvement and efforts were made to interest the Federal Government in that direction.<sup>3</sup> In 1807 it was said that without the aid of England a war with any principal power of Europe would suspend if not destroy our external navigation.<sup>4</sup> The lack of an adequate system of internal improvement was, during the Revolutionary War, the cause of almost every difficulty and danger which the colonies experienced.<sup>5</sup>

The subject of internal improvement was brought prominently before Congress for the first time in 1806. In that year no less than four separate enterprises were seeking financial assistance from the Federal Government, as follows:

I. On the fifth of December, 1805, several petitions which had been presented in the House for and against a bridge across the Potomac, at the city of Washington, were referred to a committee for report.<sup>6</sup> In due time the committee reported favorably with a bill which was passed March 21, 1806, by the House, but failed in the Senate.<sup>7</sup>

II. On the nineteenth of December the bill for the National Road was introduced in the Senate,<sup>8</sup> and became law by the approval of the President, March 29, 1806.<sup>9</sup>

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<sup>1</sup> Jefferson's "Writings," Ford (1897), VIII, 262-3.

<sup>2</sup> President Jefferson's Third Annual Message. Richardson's "Messages and Papers of the Presidents," I, 361.

<sup>3</sup> "Annals of Congress," vol. 1806-7, 83, 84.

<sup>4</sup> *Ibid.*, 58.

<sup>5</sup> *Ibid.*, vol. 1805-6.

<sup>6</sup> *Ibid.*, 263.

<sup>7</sup> *Ibid.*, 234.

<sup>8</sup> *Ibid.*, 25.

<sup>9</sup> *Ibid.*, 1238.



III. On the twenty-eighth of January, 1806, the memorial of the Chesapeake and Delaware Canal was presented in the Senate and referred to a select committee.<sup>1</sup>

IV. On the tenth of February, 1806, a memorial from the General Assembly of Kentucky, in behalf of the Ohio Canal Company, was presented in the House and referred.<sup>2</sup> In due time the memorial was reported unfavorably, and the House resolved that it was inexpedient to grant the aid solicited by the legislature of Kentucky, in opening a canal to avoid the rapids of the Ohio.<sup>3</sup>

Of the four efforts to obtain federal aid only one, the National, or Cumberland Road succeeded. But that was by no means regarded as the beginning of a system of internal improvement by the Federal Government. On the other hand, aid was granted under what seemed the necessity of opening communication with the Western country. The Cumberland Road Bill was, moreover, based on an earlier arrangement by which the Federal Government waived a very small percentage of the income from the sale of public lands in Ohio for the purpose of making roads in or to that state.<sup>4</sup> The bill as passed in 1806 appropriated thirty thousand dollars to make a road from Cumberland, Maryland, to the Ohio River. The entire amount, however, was chargeable to the above-mentioned public lands fund which had been provided for in 1802.<sup>5</sup>

The Cumberland Road Bill was, therefore, scarcely more than a fulfilment by the Federal Government of a promise made to the people of the Northwest Territory in the bill of 1802, which provided for the admission of Ohio into the Union as a state.<sup>6</sup> Nevertheless, the Cumberland Road soon furnished the friends of internal improvement with a concrete example, to which they never failed to point whenever the constitutionality of their program was called in question.

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<sup>1</sup> "Annals of Congress," vol. 1805-6, 74; see also *infra*, 16-19.

<sup>2</sup> *Ibid.*, 448.

<sup>3</sup> *Ibid.*, 828.

<sup>4</sup> *Ibid.*, 21-25.

<sup>5</sup> *Ibid.*, vol.

<sup>6</sup> *Ibid.*, vol. 1801-2, 1349-51.

The case of the Chesapeake and Delaware Canal was different. An appeal was made directly to the Federal Government for aid in the prosecution of a work of internal improvement. The memorial, after reciting the military and commercial advantages which the canal was expected to furnish, gives in outline a review of that system of internal improvement along the Atlantic Coast, which was a little later recommended in the special report of the Secretary of War on the subject of roads and canals.<sup>1</sup> There is the same propriety, it was argued, in federal assistance for works of general importance to the Union as there is in state aid for local works such as the opening of rivers and the making of roads.<sup>2</sup> Great as were the advantages which the adjacent states were expected to derive from the canal, those to be gained by the Federal Government would be far greater, especially in the event of a foreign war. The committee to whom the memorial was referred brought in a favorable report, declaring that it is among the first duties of a government to promote public works of a general nature, and no work deserves the character of public improvements more than canals.<sup>3</sup> But the real importance of the proposed canal could only be justly appreciated when considered as "the basis of a vast scheme of interior navigation, connecting the waters of the Lakes with those of the most southern states." In the House, however, the memorial received an unfavorable report<sup>4</sup> and the matter was postponed to the next session.

In his message of December 2, 1806, President Jefferson, having reviewed the financial situation which promised in the near future a large surplus, recommends the maintenance of the import duties at a reasonable figure and the application of the resulting surplus to purposes of education and internal improvement. But "because the objects

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<sup>1</sup> See Memorial of the Chesapeake and Delaware Canal Company in "Annals of Congress," vol. 1805-6, 194-197.

<sup>2</sup> *Ibid.*, 195.

<sup>3</sup> *Ibid.*, 193.

<sup>4</sup> *Ibid.*, 537.

now recommended are not among those enumerated in the Constitution," an amendment conferring the necessary authority was suggested.<sup>1</sup> Again, however, no amendment was proposed, since there was a strong party in favor of an aggressive internal improvement policy on the part of the government under cover of the implied powers of Constitution. On the contrary, an amendment intended to prevent the adoption of any such policy by the government was proposed in the House on the eleventh of December.<sup>2</sup> Here the amendment question rested for the time.

Again, in January, 1807, the Chesapeake and Delaware Canal question came up and was again favorably reported in the Senate.<sup>3</sup> With a full treasury, a small national debt, for the most part irredeemable for a term of years, and a committee appointed in the House to devise means of disposing of the surplus, no more propitious moment could be selected for the inauguration of the work. The sympathy of the executive was assured, and as to the question of the constitutionality of federal aid for internal improvements, it was argued that the cutting of a canal was a measure unquestionably proper with a view either to the safety of commerce or the defence of the nation, both of which functions belonged to the Federal Government. But even if that were not so, why should not Congress aid the canal in the same manner in which aid had just been given to the Cumberland Road? Why not make the company a grant of land to be paid for in capital stock? As soon as the canal should be completed the stock would become convertible, so that the government would merely be serving its own interests in effecting a quicker sale of the public lands, while the aid afforded the canal company would result in great and permanent advantages to the Union. But even beyond this there was good reason to believe that the stock

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<sup>1</sup> "Sixth Annual Message," Richardson, I, 409, 410.

<sup>2</sup> "Annals of Congress," vol. 1806-7, 148.

<sup>3</sup> *Ibid.*, 31.

of the canal would become a valuable source of income. It was cited that English canals had already become very profitable.<sup>1</sup> In accordance with these arguments, a bill making a grant of land to the company was introduced and read a second time, when the whole matter was postponed till the next session.<sup>2</sup>

In 1809 a bill was passed by the Senate making a grant of land to the Chesapeake and Delaware Canal Company, but the measure was lost in the House.<sup>3</sup> The House held that the bill not only involved a great grant of public property, but also a constitutional question too important to be taken up near the end of a session. Still, the party in favor of the bill argued that no new principle was involved, and that the constitutional question had been decided long ago, when the Congress had taken stock in the Bank of the United States. Besides, the Cumberland Road had received grants in that very session, and also the Canal of Carondelet.<sup>4</sup> Nevertheless, the measure was postponed,<sup>5</sup> this time indefinitely, and though persistently brought forward at each session of Congress till 1819, no aid was granted till 1824, after the Chesapeake and Ohio Canal Convention had led to a change in the policy of the Federal Government toward internal improvement.

Meanwhile the subject of a system of internal improvement, under the auspices of the Federal Government, had developed independently of the Chesapeake and Delaware Canal Company's importunities. When it was discovered by the internal improvement party that Congress probably could not be committed to a system of internal improvement by urging the advantages to be expected from any particular work, the Senate immediately adopted other tactics looking to the inauguration of such a system in any form that might prove acceptable to the whole country. On the

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<sup>1</sup> "Annals of Congress," vol. 1806-7, 59.

<sup>2</sup> *Ibid.*, vol. 1808-9, 341.

<sup>3</sup> *Ibid.*, 87.

<sup>4</sup> *Ibid.*, 1558-59.

<sup>5</sup> *Ibid.*, 1559.

twenty-third of February, 1807, a resolution was introduced directing the Secretary of the Treasury to collect and report to the Senate, at its next session, the best information obtainable concerning the usefulness, practicability and probable expense of the Chesapeake and Delaware Canal, together with plans by which the government might aid in the work. On the twenty-eighth this resolution was withdrawn and another substituted, asking for information and plans with a view to a comprehensive system of internal improvement.<sup>1</sup>

Following the directions of this resolution, Mr. Gallatin, Secretary of the Treasury, instituted an extensive inquiry on the subject of internal improvement in the United States. Two circulars were prepared, one containing fourteen questions about canals, the other nine questions about overland roads. By means of these circulars sent to those known to be in a position to furnish facts, a great mass of material was collected. The information gathered was embodied in a report of the Secretary of the Treasury on the subject of roads and canals. This report, dated April 4, 1808,<sup>2</sup> furnished the internal improvement party with another magazine of arguments and soon became a landmark in the struggle scarcely less important than the Cumberland Road.

The strong recommendations of the report occasioned no surprise, however, because it was well known that Mr. Gallatin was in favor of a central government that could do the things recommended by the report.<sup>3</sup> The extent of territory in the United States rendered facilities for transportation necessary and at the same time too expensive to be provided by private capital. But even if an individual work could be operated here and there, the whole country would not be benefited, as it would be by a general system of works advantageously distributed under the direction of the

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<sup>1</sup> "Annals of Congress," vol. 1806-7, 97.

<sup>2</sup> 17th Congress, 1st Session, "Reports," etc., X, Document No. 8, 7-86, *passim*.

<sup>3</sup> "Annals of Congress," vol. 1806-7, 86.



Federal Government, and the Federal Government alone could overcome the difficulties of such a system. Again, the early and efficient aid of the Federal Government was recommended because good roads and canals would tend, through commercial and social intercourse, to bind in closer union the remotest corners of the United States.<sup>1</sup> Gallatin, therefore, thought that the United States should begin at once a complete system of internal improvement to be steadily prosecuted through a period of ten years. The entire plan comprehended four fairly distinct parts, corresponding in general with the physical features of what was then the United States.

I. The Atlantic Coast system, extending from Maine to Georgia.

II. The Atlantic and Western waters system, embracing the region south of New York and east of the Mississippi.

III. The Atlantic and Great Lakes-St. Lawrence system, chiefly in New York.

IV. Interior canals or local works throughout the country.

The report is somewhat confused, however, by an attempt to classify the proposed works according to their character as canals or roads rather than upon the single basis of routes, since several of the routes involve both canals and roads. The main features of the document may be briefly presented by routes, as follows:<sup>2</sup>

I. Atlantic Coast system.

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<sup>1</sup> "Report Secretary of the Treasury on Public Roads and Canals," 1808, 2, 3.

<sup>2</sup> It would be difficult to overestimate the importance of the report which is summarized in the following text. It has been generally overlooked that the Chesapeake and Ohio Canal as actually commenced under the patronage of the Federal Government twenty years later, was an attempt to realize the ideals of this report, somewhat modified by the changes of those twenty years.

## I. Canals.

Name.	Connecting.	From — to	Dist. Miles.	Lockage feet.	Estimated cost.
Massachusetts	{ Barnstable Bay	Weymouth	26	260	\$1,200,000
	{ Buzzard's Bay	Taunton			
New Jersey	{ The Raritan	Brunswick	28	100	800,000
	{ Delaware Bay	Trenton			
Delaware and	{ Ches. Bay	Christiana	22	148	750,000
Chesapeake	{ Delaware Bay	Elk			
Chesapeake and	{ Ches. Bay	Elizabeth riv	22	40	250,000
Albemarle	{ Albemarle Sd.	Pasquotank			
Totals,			98	548	\$3,000,000

## 2. Roads.

A great turnpike road from Maine to Georgia, along the whole extent of the Atlantic Coast, to cost..... 4,800,000

Total, ..... \$7,800,000

## II. The Atlantic and Western waters system.

1. The improvement of the four Atlantic rivers—Susquehanna, Potomac, James, and Santee to the highest practicable point, principally by canals, with locks where necessary, around the falls, to cost, in addition to what had already been expended by private companies ... \$1,500,000

2. A canal at the falls of the Ohio, estimated at ..... 300,000

3. Four artificial roads from the head of navigation on the four Atlantic rivers to the nearest corresponding Western rivers, namely, from the Susquehanna to the Alleghany, the Potomac to the Monongahela, the James to the Kanawha, and the Santee to the Tennessee, a total of four hundred miles, at an average cost of \$7000 a mile..... 2,800,000

4. Improvement of roads to Detroit, St. Louis and New Orleans.....	200,000
	<hr/>
	\$4,800,000

### III. The Atlantic and Great Lakes-St. Lawrence system.

1. The Hudson and Champlain, or Northern navigation, extending from the confluence of the Hudson and the Mo- hawk to Lake Champlain .....	\$800,000
2. The Mohawk and Ontario, or West- ern navigation, extending from the Hud- son by way of the Mohawk River, Oneida Lake and the Onondaga and Oswego Rivers with Lake Ontario.....	2,200,000
3. Canal around Niagara Falls.....	1,000,000
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Total .....	\$4,000,000

### IV. Interior, or local, canals.

This system was apparently devised to meet the charge of favoritism which, it was thought, might be urged in some sections which could not be directly benefited by any of the great routes proposed. The location of such works was left to time and circumstance, while "without pretending to suggest what would be the additional sum necessary for that object, it will, for the sake of round numbers, be estimated at .....

\$3,400,000

### RECAPITULATION.

I. Atlantic Coast system.....	\$7,800,000
II. Atlantic and Western waters system.	4,800,000
III. Atlantic and Great Lakes-St. Law- rence system .....	4,000,000
IV. Interior canals, estimated roughly at	3,400,000
	<hr/>
Grand total .....	\$20,000,000

The report suggested three ways in which the government might prosecute the actual construction of the works. These were:

First, purchase of stock in private companies.

Second, loans to private companies.

Third, direct prosecution of the works by contract under supervision of the government engineers.

Of the three the first two were considered better than the last because private companies, it was expected, would be more diligent and less wasteful. Gallatin preferred the first method. He thought the government should purchase stock in private companies organized for the immediate construction of the several works.

Arguments supporting a national internal improvement policy which looked to the ultimate expenditure of twenty million dollars of the public money were found in the following facts: An annual appropriation of two millions of dollars would bring the entire system to completion in ten years. That sum could in time of peace be furnished without inconvenience from existing resources of the treasury. The annual appropriation on account of the public debt alone for the preceding six years had been eight millions of dollars. After 1809, on account of the irredeemable character of the debt, scarcely more than four and a half millions annually could be used in that service. This one item would produce a surplus of over three and a half millions a year.

Viewed in another way, it appeared that the United States from 1801 to 1809 had discharged, or provided for, twenty-three millions of the principal of the old debt, to say nothing of the payment of a large portion of the Louisiana purchase in the meantime. Increasing revenues from a growing commerce rendered it probable that the country could more easily furnish twenty millions during the next ten years for internal improvements.

Again, the permanent annual revenue of the United States had, on a most moderate estimate, on a peace basis,

been placed at fourteen millions. The annual expenses of the government, including the debt service for the corresponding period, would not exceed eight and a half millions. If the government should apply three and a half millions annually to the defence and protection of the country, a most improbable amount if peace should continue, there would still remain two millions annually for internal improvement.

Finally, the Federal Government held, north of the Ohio River about one hundred million acres of land fit for cultivation, and about fifty million acres south of the Tennessee. No source of revenue could be more appropriately devoted to internal improvement. The proposed annual appropriation from the Treasury would cease in the event of a war, but the appropriation of the income from public lands till a certain sum should be reached, would constitute a practically permanent fund. "If the proceeds of the first ten millions of acres which may be sold, were applied to such improvements, the United States would be amply repaid in the sale of the other ninety millions."<sup>1</sup>

Such in outline is the system of internal improvement which for about a quarter of a century the Federal Government was more or less persistently urged to undertake. With what success it is the purpose of the following pages to show.

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<sup>1</sup> Report of the Secretary of the Treasury on Public Roads and Canals, 1808, 42.



### CHAPTER III.

#### EFFORTS TO INDUCE THE FEDERAL GOVERNMENT TO UNDERTAKE A SYSTEM OF INTERNAL IMPROVEMENT.

Mr. Gallatin urged that the government at once undertake his system as above outlined, by purchasing stock in the Chesapeake and Delaware Canal, the Dismal Swamp Canal, the Ohio Canal and the Pittsburg Road. Appropriations to the Cumberland Road, the only work yet undertaken directly by the government, might be made as occasion should demand.<sup>1</sup> As an important preliminary also, surveys and levels of the various routes might be obtained by the government at small expense. Until the expected amendment to the Constitution should be obtained, however, the government ought to be guided in the application of its means largely by circumstances.<sup>2</sup>

But before these recommendations reached Congress that body, as well as the whole country, had become absorbed in foreign affairs. Nevertheless, in 1810, the persistence of the Chesapeake and Delaware Canal Company, and the great need of a line of transportation to the Ohio country combined to direct attention once more to the subject of internal improvement. In January, 1810, a bill embodying the principal features of Mr. Gallatin's system was introduced in the Senate. A similar bill was about the same time introduced in the House, but both came to grief.<sup>3</sup>

The increasing troubles which were soon to issue in the War of 1812 only temporarily drowned the clamor for

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<sup>1</sup> "Report of the Secretary of the Treasury," 1808, 44.

<sup>2</sup> *Ibid.*, 43.

<sup>3</sup> "Annals of Congress," 11th Congress, vol. 1809-10, 613, 1443.

internal improvements. The subject continued to come up in every session of Congress, and with the return of peace internal improvement began once more to absorb the attention of the people at large, and to find even stronger advocacy in the national legislature.

In his annual message of December 5, 1815, President Madison declared that the attention of Congress should now be recalled to the importance of establishing throughout the country the roads and canals which could be best executed under national authority. Such works, he continues, are not only the most profitable investments known, but also they "do the most honor to the governments whose wise and enlarged patriotism duly appreciates them." The fact that individual states were doing much was only stronger reason, said Madison, why the Federal Government should undertake those works which by their nature required a "national jurisdiction and national means." A constitutional amendment was again suggested to remove any doubt as to the power of the government to proceed with such works.<sup>1</sup>

The Senate Committee to which was referred that part of the President's message relating to roads and canals, brought in a bill, in February, 1816. The four principal provisions were as follows:

First, the appropriation of a certain annual sum which should constitute a fund for making roads and opening canals.

Second, payment for any shares of stock for which Congress might subscribe in any private company was to be made out of the fund so created.

Third, all dividends and profits which should accrue from the shares of stock held by the United States were to be credited to the fund.

Fourth, the Secretary of the Treasury was required to

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<sup>1</sup> Richardson: "Messages and Papers of the Presidents," I, 567-8.

report the condition of the fund at each session of Congress.<sup>1</sup>

The bill reached and passed a third reading, but was then indefinitely postponed by a vote of eighteen to nine.<sup>2</sup> President Madison was by this time, however, so warmly attached to the idea of a system of internal improvement by the Federal Government that he could not permit such a disposition of the subject. In his eighth and last annual message Madison says: "I particularly invite again the attention of Congress to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals."<sup>3</sup> The friends of internal improvement thought no such amendment necessary and none was proposed. But in 1817 both Houses of the national legislature were able to agree upon a measure for the inauguration of a system of internal improvement by the Federal Government without an amendment to the Constitution.<sup>4</sup> This bill set apart the bonus paid for the charter of the second Bank of the United States, together with the share of the United States in the dividends of the bank, so as to create a permanent fund for the construction of roads and canals.<sup>5</sup> The money was to be applied in the same manner as that prescribed in the Senate Bill of 1816.<sup>6</sup> The national policy of internal improvement which had been favored by every executive since the foundation of the government,<sup>7</sup> for which a constitutional amendment had been first suggested in 1806,<sup>8</sup> which had been first clearly outlined in Gallatin's report in 1808,<sup>9</sup> and which had been

<sup>1</sup> "Annals of Congress," vol. 1815-16, III.

<sup>2</sup> *Ibid.*, 300.

<sup>3</sup> Richardson, I, 576.

<sup>4</sup> "Annals of Congress," vol. 1816-17, 191, 934.

<sup>5</sup> *Ibid.*, 361.

<sup>6</sup> See *supra*.

<sup>7</sup> "Annals of Congress," vol. 1816-17, 925.

<sup>8</sup> Richardson, I, 410.

<sup>9</sup> "Report of the Secretary of the Treasury on the Subject of Roads and Canals." Washington, 1808.

urged in some form in every session of Congress for almost ten years, seemed at last about to be inaugurated. Imagine, then, the disappointment of the friends of the system when President Madison, on the last day of his presidency, vetoed the bill on the ground that the Federal Government had not the power under the Constitution to engage in such works. The bill had passed the House originally by only a narrow majority and of course could not be passed over the veto. To the friends of the system it appeared as if the patient, persistent work of a decade had been destroyed by the stroke of a pen.

By this time the states had begun to despair of national assistance in works of internal improvement and were turning more seriously to their own resources. New York was just beginning the Erie Canal, which was soon to make New York City the metropolis of America.<sup>1</sup> The General Assembly of Virginia, in 1816, created a Board of Public Works,<sup>2</sup> while Maryland soon after took action to hasten the opening of the Potomac navigation.<sup>3</sup>

In Congress the friends of internal improvement soon rallied again, and President Monroe, in his first annual message, once more urged upon Congress the opportunity amounting almost to a necessity in view of the great extent of the United States, of a national policy of internal improvement.<sup>4</sup> At the same time the President expressed the opinion that Congress did not have the power to prosecute such works, and strongly recommended an amendment to remedy the defect.<sup>5</sup> The Senate was first to act, and on the ninth of December, 1817, the following amendment to the Constitution was proposed:

"Congress shall have power to pass laws appropriating money for constructing roads and canals, and improving the

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<sup>1</sup> "The Erie Canal and its Relations to the City of New York," *Scribner's Magazine*, vol. 1877-78, 118, 119.

<sup>2</sup> "Laws of Virginia," 1816, ch.

<sup>3</sup> "Acts, etc., Relating to the Chesapeake and Ohio Canal," 142.

<sup>4</sup> Richardson, I, 584-5.

<sup>5</sup> *Ibid.*, II, 17, 18.

navigation of water-courses. *Provided, however,* That no road or canal, shall be conducted in any state, nor the navigation of its waters improved, without the consent of such state. *And provided also,* That whenever Congress shall appropriate money to these objects, the amount thereof shall be distributed among the several states, in the ratio of representation which each state shall have in the most numerous branch of the national legislature. But the portion of any state, with its own consent, may be applied to the purpose aforesaid, in any other state.”<sup>1</sup>

The amendment passed to a second reading, but on the twenty-sixth of March, 1818, the matter was indefinitely postponed by a vote of twenty-two to nine.<sup>2</sup>

The above vote, however, must not be regarded as in any way significant. On the other hand, the “American System” was just beginning to take strong hold of the country, and every influence was beginning to strengthen the hands of the Federal Government. The President was strongly in favor of a system of internal improvement. He was most ably seconded in the Cabinet, not by the Secretary of the Treasury, as the President in 1808 had been, but by the Secretary of War, that doughty champion of energetic measures in anything in which he might be engaged, John C. Calhoun. Recognizing in Calhoun the champion which had been found in Gallatin in 1808, the House passed a resolution in April, 1818, directing the Secretary of War to collect and report at the next session such information as he might be able to obtain on the subject of roads and canals, together with plans for the application of such means as Congress possessed to internal improvement.<sup>3</sup> Mr. Calhoun at that time was known to favor large national powers. He had no constitutional scruples, and his report in response to the resolution of the House went even further

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<sup>1</sup> “Annals of Congress,” 1817-18, I, 22.

<sup>2</sup> *Ibid.*, 292.

<sup>3</sup> *Ibid.*, II, 1678.



than that of Gallatin had gone in recommending an aggressive policy in regard to internal improvement.<sup>1</sup> For such a policy Calhoun believed that the government had ample powers under the Constitution.

He therefore recommended that the Federal Government engage directly in the work of construction. This might be done at once by employing the engineer corps in making the necessary surveys and plans. Then the work might be let out to contractors under the supervision of the government. It was even recommended that the soldiers be employed on works of internal improvement at a compensation a little below the average wages paid for such work, in addition to their regular pay, which was scarcely more than nominal. The proposition will not seem so startling when it is recalled that this very method had been adopted by the Secretary of War in the construction of military roads, and with highly satisfactory results. On several roads work was, at that time, being performed by the soldiers, who received a wage of fifteen cents a day, "with an extra allowance of a gill of whiskey."<sup>2</sup>

With this report of the Secretary of War the second cycle of internal improvement agitation may be said to culminate. The "American System" had been practically, if not theoretically, accepted, the era of good feeling had been ushered in, the effects of the War of 1812 were no longer felt, save in the prosperity shared by all branches of industry, and population and wealth were rapidly increasing, while there was yet no adequate means of communication between the Atlantic seaboard and the interior. Such a communication, always greatly to be desired, had, with the increasing importance of the Western country, become almost indispensable. Still the Federal Government hesitated.

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<sup>1</sup> See "Report of the Secretary of War Relative to Roads and Canals." Washington, 1819.

<sup>2</sup> *Ibid.*

Meanwhile there were other influences at work developing, half unconsciously and under other auspices, one of the greatest enterprises which the modern world has seen in the way of internal improvement. Public works by the Federal Government, as an abstract principle, seemed out of the question, but might not the Federal Government be induced to undertake the Chesapeake and Ohio Canal project?



## CHAPTER IV.

### INDEPENDENT MOVEMENT FOR A CANAL.

It would be difficult to say precisely where or when the Chesapeake and Ohio Canal project had its origin. The Board of Public Works of Virginia, soon after its creation by Act of Assembly in 1816, had suggested that a connection might be effected between the waters of the Potomac and those of the Ohio "by a navigable canal."<sup>1</sup> There was no response to this suggestion, but in 1819 the board received an application from the Potomac Company for an examination with a view to decide upon the best policy to be adopted for the future in order to give full effect to the purposes of that company's charter.<sup>2</sup> As a result of this appeal, the General Assembly of Virginia passed a resolution, January 8, 1820, requesting the Board of Public Works to inquire into the expediency of directing the principal engineer to examine the waters of the Potomac, above the upper line of the District of Columbia, with a view to ascertain and report upon the most efficient means of im-

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<sup>1</sup> House Report No. 90, 19th Congress, 2d Session, 2.

<sup>2</sup> The Potomac Company was chartered by Virginia in 1784; the charter was confirmed by Maryland in 1785, and in the same year George Washington was chosen president. The company at once engaged in a determined and persistent effort to render navigable the channel of the Potomac River. The effort was only partially successful. Only one dividend was ever paid (\$3000, in 1811), and by 1819 the company had expended every dollar of its stock, its entire income for thirty-five years, besides creating a debt of \$100,000, while the condition of the River channel was still so obstructed that the income from tolls was not sufficient to meet operating expenses. It was under these circumstances that the appeal was made to the Board of Public Works of Virginia.

proving the navigation of the same, "and to explore the country between the Potomac and the Ohio on one side, and the Potomac and the Rappahannock on the other, with a view to ascertain and report upon the practicability of effecting a communication by canals between the three rivers."<sup>1</sup> Accordingly, Mr. Thomas Moore, chief engineer of the board, was detailed for the work, which was begun June 30, 1820.<sup>2</sup>

Though the Potomac Company had failed to accomplish the purposes set forth in the charter, yet the amount of traffic which passed through the company's works, while so very imperfect, seemed to show conclusively a strong desire on the part of the public to transport goods by way of the Potomac. What could explain this desire if not the shortness and cheapness of the route? Mr. Moore was, therefore, directed to survey the river with a view to the location of a canal in that valley. The results of that survey led to the conclusion that a canal from Georgetown to the Coal Banks above Cumberland was entirely practicable, while the probable cost was put down at only \$1,114,300.<sup>3</sup>

This was the earliest survey to determine the practicability of a continuous canal throughout the valley of the Potomac,<sup>4</sup> and the accompanying estimate of the cost of such a canal became the basis of the agitation which from that time forward ceaselessly occupied the friends of the enterprise. Mr. Moore's report, dated December 27, 1820, was transmitted to the Governor of Virginia and by him to the General Assembly. Upon the basis of the representations made in this report a resolution<sup>5</sup> was adopted authorizing the governor to appoint a committee to co-operate

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<sup>1</sup> "Laws of Virginia Relating," etc., December Session, 1819, Resolutions.

<sup>2</sup> House Report No. 90, 19th Congress, 2d Session, 33.

<sup>3</sup> "Mr. Andrew Stewart's Report on the Chesapeake and Ohio Canal," 14.

<sup>4</sup> *Ibid.*, 14.

<sup>5</sup> "Acts, etc., Relating to the Chesapeake and Ohio Canal," 116.



with a similar committee to be appointed by the governor of Maryland. This committee was to be empowered to make an examination of the affairs of the Potomac Company and report to the states immediately concerned.

Accordingly, as soon as the resolution had been passed, January 29, 1821, by the General Assembly of Virginia, a copy was laid before the legislature of Maryland. A similar resolution was promptly adopted by that body,<sup>1</sup> and the joint committee thus authorized was immediately after appointed.

The object for which the committee had been appointed was to examine the Potomac and its branches in order to show whether the Potomac Company had fulfilled the conditions of its charter. If it should appear that the terms of the charter had not been complied with, and that the resources of the company afforded no prospect of effecting at an early date the objects of the incorporation, one of two possible courses would have to be adopted :

I. The states interested might furnish money to the Potomac Company.

II. An action might be brought for "annulling and vacating the charter,"<sup>2</sup> which had continued in force to that time only through the indulgence accorded the company on account of the urgent need of better transportation facilities through the valley of the Potomac. Nor were these diplomatic formalities intended for one moment to conceal the facts in the case. It had become painfully evident, even to the members of the company, that the Potomac Company had outlived its day. Yet the negotiations which were considered necessary for the accomplishment, without opposition, of so plain a requirement had dragged along through almost two years. At last, however, under the pressure of new commercial conditions, and the

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<sup>1</sup> "Acts, etc., Relating to the Chesapeake and Ohio Canal," 142.

<sup>2</sup> See "Laws of Virginia," December Session, 1820.

rapid growth of all kinds of business after the peace of 1815, a new order of things was tardily inaugurated.

The members of the joint committee were Athanasius Fenwick, William Naylor and Moses T. Hunter<sup>1</sup> on the part of Maryland; William T. T. Mason and Elie Williams on the part of Virginia. Slow communication and the distance which separated the members of the commission caused some delay; then the sickness of Mr. Moore, who had made the previous survey, and had therefore been appointed by the commissioners to undertake, with Mr. Isaac Briggs, of Maryland, the present examination, caused still further postponement. It was not till July 2, 1821, that the commissioners were able to meet at Georgetown, D. C., and begin the responsible work imposed upon them. An examination of the books of the Potomac Company revealed a condition of hopeless bankruptcy, with no reasonable prospect of obtaining in the near future a sum of money sufficient to meet the requirements of the charter.<sup>2</sup>

Having satisfied themselves that the purpose for which the Potomac Company had been created, namely, the open-

<sup>1</sup> "Report of the Commissioners to Survey the Potomac," 90.

<sup>2</sup> The questions put by the Commissioners to the treasurer of the Potomac Company brought out the following facts:

Amount actually received on stock . . . . .	\$336,551.10
Total amount on tolls from August 1, 1799, to August 1, 1822 . . . . .	225,817.67
Total . . . . .	\$562,368.77
Deduct the only dividend ever paid . . . . .	3,890.00
Total resources . . . . .	\$558,478.77
Total amount expended by the company from its origin till August 1, 1822 . . . . .	729,387.29
Leaving net indebtedness, August 1, 1822 . . . . .	171,909.52

The interest alone on this debt amounted to near \$10,000 a year, while the average annual tolls for the preceding ten years had not been over \$10,300, leaving practically nothing for operating expenses or repairs.

ing of the channel of the Potomac River to navigation, could not be accomplished with the means in sight, the commissioners determined to recommend that the charter be annulled. They believed that the time had come for abandoning the river channel in favor of a continuous canal extending at least from tide-water to Cumberland. Accordingly, the commissioners proceeded to Cumberland on the fifteenth of July, and spent the rest of that month in an inspection of the Potomac from that point westward as far as the mouth of Savage River. An attempt was also made to discover a possible line of communication between the head-waters of the Potomac and those of the Ohio at the junction of the Monongahela and the Alleghany.

On the thirty-first of July, having completed these preliminary surveys under the guidance of Mr. Moore's survey of 1820, the commissioners began the location of a canal which they had reason to believe would be at once undertaken jointly by Maryland and Virginia. But in the work of location many difficulties were encountered, among which sickness was by no means the least. Members of the engineer corps would fall sick, leave the work and perhaps several days would elapse before a competent substitute could be found to fill the vacant place.<sup>1</sup> Finally, on the eighteenth of September, when the work of location had proceeded to a point one hundred and fifty-seven miles eastward from the beginning, Chief Engineer Moore fell sick and the work had to be abandoned. The death of Mr. Moore, which followed within a week or ten days after his retirement, undoubtedly marks a turning point in the history of the Chesapeake and Ohio Canal project. Had this able and efficient officer, already an authority on the topography of the Potomac region, lived to give practical and immediate direction to the eager yet half-jealous interest of the states concerned, there is every reason to believe that the canal would have been in operation between Georgetown and Cumberland before 1826, when

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<sup>1</sup> "Report of the Commissioners to Survey the Potomac," 70, 71.

the United States Government completed its first survey and estimate. As it was, the survey could not be resumed till the first of December. Mr. Isaac Briggs, who had been appointed by Maryland to assist Moore, of Virginia, succeeded to Moore's place as chief engineer to the Board of Public Works of Virginia, and now took up the work where it had been dropped.

Notwithstanding the lateness of the season, Briggs pushed the work of location rapidly to completion. The commissioners then addressed themselves to the task of accumulating data for an estimate of the cost of the proposed canal. But pioneer work in this field was found to be both tedious and difficult. It is true that by 1822 canals were no longer new or strange, but in the United States canals were looked upon as having just entered the experimental stage, and the vast sums of money necessary for such undertakings were not forthcoming. The Erie Canal in New York had been commenced about 1817 with money furnished by the state treasury, after a vain effort had been made to induce the United States Government to undertake the work, and by 1822 this great enterprise was nearing completion. It would seem, therefore, that the Erie Canal should have furnished all necessary data ready to hand, and, in fact, such was the case; but the Chesapeake project involved two peculiar difficulties which were never sufficiently taken into account:

I. The canal as located by the joint commission of Maryland and Virginia would lie throughout in the valley of the Potomac, a valley everywhere narrow, while in many places mountain cliffs confine the river to a narrow gorge.

II. On account of these cliffs the canal would have to lie for miles on the very margin of the river—sometimes partly in the channel—thus exposing the works to the full force of the frequent and violent freshets in the Potomac Valley.

These conditions appear to have been overlooked in every one of the numerous estimates of the cost of the Chesapeake and Ohio Canal.

Neglecting the enormous expense required to give permanence to a work exposed to such dangers, the commissioners were able to reach quite satisfactory conclusions as to the probable cost of the work. How little value attached to such an estimate becomes very clear in the light of subsequent events.

As the basis of their estimate the commissioners adopted a canal thirty feet wide at the surface, twenty feet wide at the bottom, and deep enough for three feet of water. Such a canal, it was thought, might be constructed along the Maryland shore of the Potomac from Georgetown to Cumberland for \$1,574,954, an increase over Moore's estimate of nearly half a million dollars.<sup>1</sup> As finally constructed, the canal cost the state of Maryland alone over eleven millions of dollars, while the subscriptions of the United States Government, the District cities, Virginia and others in the early days of the enterprise, swelled the total to almost fifteen millions of dollars,<sup>2</sup> or nearly ten times as much as the work was expected to cost if it had been pushed rapidly to completion at the time when public interest was first generally attracted to the canal enterprise. It is not strange, therefore, that the report of the commissioners, transmitted under date of December 19, 1822, to the governors of Virginia and Maryland, and by them to the General Assemblies of their respective states, should have aroused considerable enthusiasm in the enterprise. The first cost was to be indeed large for those days, but trifling after all in comparison with the profits which English experience had taught to expect from a canal. Some English canals were at that time paying an annual dividend of thirty per centum on their stock, to say nothing of the reduction of the cost of transportation to the general public. The proposed canal from Georgetown to Cumberland was expected to reduce

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<sup>1</sup> "Report of the Commissioners to Survey the Potomac," 83.

<sup>2</sup> "Report to the Stockholders on Completion of the Canal to Cumberland," 154.



the cost of transportation to one-tenth of the cost by team over the roads.<sup>1</sup>

Maryland and Virginia had long been accustomed to act together in regard to the Potomac, and it was confidently expected that they would now quickly agree upon the legislation necessary for a canal. Yet a bill for the incorporation of the "Potomac Canal Company" failed to pass the General Assembly of Maryland. Why? Did the business instinct of Maryland's legislators scent danger in the quiet and apparently innocent thread of water which it had been proposed to prepare to lead small, harmless craft to Georgetown instead of Baltimore? We are not told—unless in the logic of the events which followed.

In the General Assembly of Virginia, a bill for the incorporation of the "Potomac Canal Company" passed on the twenty-second of February 1823; but of course the enterprise could not proceed without the consent of Maryland. If that refusal to charter the "Potomac Canal Company" had killed the enterprise outright, Maryland would have been spared a humiliating and very costly series of blunders extending through a period of three-quarters of a century. Maryland's refusal, however, so far from killing the enterprise, only served to arouse its friends. Maryland may, therefore, on account of that hesitation, be said to have prevented the speedy and economical construction of a small canal which would have conferred inestimable benefits upon the adjacent country, might have paid a good annual dividend, and still left Baltimore entirely free to adopt any mode of communication with the West that might seem to offer the best results. If the prevention of these things had been the end of the matter, the responsibility might be complacently, even cheerfully, accepted. But there was more. When the first practical and needful measures were abandoned there was substituted for them a chimerical project

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<sup>1</sup> "Report to the Stockholders on Completion of the Canal to Cumberland," 32.

which was by courtesy called the Chesapeake and Ohio Canal. Is it possible that a canal connecting Georgetown instead of Baltimore with the West could have interfered with Baltimore's prosperity more than did that chimera of a canal? That question also may be best answered in the language of events.

It was in the early twenties that the rising tide of public opinion in favor of internal improvements by the Federal Government began to sweep away all obstructions. Already there were unmistakable signs that the policy which the Federal Government had adhered to more or less consistently for thirty-five years was about to be abandoned. If at last a great system of internal improvement was to be inaugurated by the Federal Government, what more appropriate than that a beginning be made with a liberal subsidy to the "Potomac Canal?" Accordingly, at the call of friends of the enterprise popular meetings were held in Virginia, Maryland and Pennsylvania during the spring and early summer of 1823. Public sentiment was found to run so strongly in favor of the enterprise that it was determined to hold a convention in Washington some time in the fall for the purpose of uniting counsels, proposing such legislation as would harmonize all the interests to be advanced by the canal, and of enlisting the hearty co-operation of the three sister states of Maryland, Pennsylvania and Virginia with the United States in an enterprise that would surpass in importance any like undertaking in the world. So inviting did the project appear to its friends that few if any realized how many obstacles blocked the way to success. The advantages of the proposed work to private and public welfare, to civil and military interests were so apparent and so real to the promoters of the enterprise that local jealousies and political intrigues were expected to vanish in the ardent desire of all to see the canal speedily completed.

Meanwhile events were rapidly enlarging the project and raising questions which for number and difficulty must have baffled the wisdom and magnanimity of the world. It

appears that the first public meeting in the interest of the canal enterprise was held at the courthouse in Leesburg, Virginia, August 25, 1823.<sup>1</sup> Mr. John Rose, Esq., was chosen president and Mr Robert Braden appointed secretary. Many similar meetings were held, but the preamble to the resolutions adopted at Leesburg will serve to show the purpose and spirit of all :

"WHEREAS, The improvement of the navigation of the River Potomac by a canal from the seat of government to the Great Cumberland Road, to be thence extended, as soon as practicable, so as to meet a similar canal from the head of the steamboat navigation of the nearest western water, is an object of inestimable importance, not only to the several states through whose territory the contemplated canal may pass, but to the commercial and political prosperity of the United States in general: Be it therefore recommended to the citizens of the several counties and corporations disposed to co-operate in the promotion of the above object, in order to devise some practical scheme for its certain and speedy accomplishment; to elect, respectively, two or more delegates to represent them in a general meeting to be held in the city of Washington, on Thursday, the sixth of November next."

The invitation was generally accepted. The delegates chosen met in the Capitol at Washington, Thursday, Friday and Saturday, November 6, 7 and 8, 1823.<sup>2</sup> The personnel of this convention is not without a certain significance. Glancing over the roll, it appears that there were thirty-eight representatives from Virginia, thirty-one from Maryland, twenty-four from the District of Columbia, one only from Pennsylvania and none from Ohio.

When it is remembered that Virginia had ever been most active in regard to the Potomac route, had originated the

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<sup>1</sup> "Washingtonian," No. 910.

<sup>2</sup> "Proceedings of the Chesapeake and Ohio Canal Convention." Washington, 1823.

Potomac Company and given her most illustrious son to preside over that ill-starred corporation, had received the Potomac Company's appeal, acted upon it and procured an examination, had chartered the Potomac Canal Company, and when Maryland refused to aid in the prosecution of that modest work, had first given active support to that larger design born of an expanding commerce and a vigorous young republic just becoming conscious of its unparalleled powers and possibilities, it will not seem strange that Virginia's delegation of her most public-spirited and influential citizens should have composed three-fifths of the whole convention. This also in spite of the fact that three other states and the District of Columbia each had a material interest about as important as that of Virginia.

Maryland's interest in the Potomac trade route had always been lively, and though hesitating in the matter of a canal, she sent a good delegation to the Washington convention. The District of Columbia delegation was naturally the largest in proportion to area represented. Two or three citizens of Ohio found their way across the Alleghanies and sat in the convention as honorary members, notwithstanding the fact that the new state would presumably have to wait a long time for the canal to reach her borders, while the Erie Canal was almost ready to offer the West easy, rapid and cheap transportation to the seaboard at New York. Pennsylvania, absorbed in the construction of transportation lines intended to draw the products of the West to Philadelphia, sent only one delegate to the Washington convention, and Mr. Shriver attended, no doubt, more out of the personal interest which he felt in such works than as a representative of the public sentiment of Pennsylvania.

It is worth while to take this glance at the convention in which the Chesapeake and Ohio Canal project took shape, and to mark where the centre of gravity, so to say, lies, because that centre was to shift twice within the next ten years, the second time not without its interest for Maryland. A further fact to be noted in behalf of Maryland is that

although Virginia had apparently been more active in the matter of legislation favoring the Potomac, Maryland had subscribed for more shares of stock.<sup>1</sup> Finally, and most significant of all, it is to be noted that while the state of Maryland sent one-third of the delegates who attended the Washington Convention Baltimore sent not a single delegate. The proceedings show that on the first day of the Convention, on motion of Gen. Mason, Dr. Wm. Howard, of Baltimore, was admitted to a seat in the Convention as an honorary member. Dr. Howard was always a warm friend of the Chesapeake and Ohio Canal project, believing that by connecting Baltimore with the canal Maryland's metropolis would secure the earliest and best communication with the West then possible.

After the roll-call on Friday, November 7, 1823, on motion of Mr. Mercer, of Virginia, Dr. Joseph Kent, of Prince George's County, Maryland, was unanimously chosen President of the Convention. The preamble to the resolutions then introduced by Mr. Mercer is as follows:

"WHEREAS, A connection of the Atlantic and Western waters by a canal, leading from the seat of the National Government to the river Ohio, regarded as a local object, is one of the highest importance to the states immediately interested therein, and considered in a national view, is of inestimable consequence to the future union, security and happiness of the United States,

"*Resolved*, That it is expedient to substitute for the present defective navigation of the Potomac River, above tide-water, a navigable canal from Cumberland to the Coal Banks at the eastern base of the Alleghany, and to extend such canal as soon thereafter as practicable to the highest constant steamboat navigation of the Monongahela or Ohio River." <sup>2</sup>

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<sup>1</sup> Amount subscribed by Virginia, 120 shares, \$53,333.33⅓; by Maryland, 220 shares, \$97,777.77⅔; "Report Maryland and Virginia Commissioners," Exhibit A.

<sup>2</sup> "Proceedings," 4.



It was further brought out that the canal was to extend ultimately to Lake Erie, thus connecting the seat of Government and the Great Lakes. If this idea was not new it was the earliest complete statement of the Chesapeake and Ohio Canal project.

The construction of the canal from Georgetown to the Coal Banks was to be commenced at once. The estimate of the Virginia and Maryland Commissioners was adopted as a basis, and, making liberal allowance for the extension above Cumberland, and an enlargement of the canal to forty feet at the surface, Mr. Mercer considered the sum of \$2,750,000 as ample for the completion of the work.<sup>1</sup> In justice to Mr. Mercer and the members of the Washington Convention, it ought to be said in the light of experience that if the work could have been put at once into the hands of a strictly business corporation operating on purely economic principles, there are many reasons to believe that the canal would have been actually completed within two or three years at a cost of no more than \$2,750,000 if not less. But the Chesapeake and Ohio Canal project was born in politics and in politics it was to die.

Ninety-six miles of the Erie Canal had been completed, at an average cost of only \$11,792 a mile, while the completed section of the Champlain Canal had fallen 28 per cent. below the estimated cost of \$10,000 a mile. Canals had been constructed in both Virginia and Pennsylvania at a cost even lower than this.<sup>2</sup> The estimate proposed for the Chesapeake and Ohio Canal, 212 miles to the Coal Banks, gives an average of nearly \$13,000 per mile. Gen. Lacock, late of the United States Senate, aided by Mr. David Shriver, who had an intimate general and local knowledge of the subject, had formed an independent estimate, and, in conjunction with other responsible men, had offered to construct the proposed canal for \$2,500,000, being a little over

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<sup>1</sup> Speech of C. F. Mercer, Convention of 1823, 23.

<sup>2</sup> *Ibid.*, 22.

\$11,000 a mile. Upon those who are skeptical on this point must rest the burden of showing how practical business men, accustomed to large financial responsibility, could have exposed themselves to such ruin as that which ultimately overtook the canal had that ruin been inherent in the nature of the enterprise.

Just at this time the results of Clay's "American System" were just beginning to appear and some popular object had to be found upon which to expend the surplus revenue brought into the Treasury by the protective tariff of 1820. In that situation Mr. Mercer and other members of Congress, as well as the local politicians, saw what they mistook to be their opportunity. General Lacock's offer was not considered, and the Convention under the direction of Mr. Mercer proceeded to the adoption of the following plan:

The entire sum of \$2,750,000 was to be furnished by the governments interested: The United States four-elevenths, or \$1,000,000; Virginia, three-elevenths, or \$750,000; the District cities, two-elevenths, or \$500,000; and Maryland two-elevenths, or \$500,000. The Federal Government would thus, aside from great moral weight, be by far the largest stockholder, and might, for that reason alone, be expected to exert a controlling influence in the work. Indeed, the proposed division of stock was entirely arbitrary, and was adopted for the double purpose of committing the Federal Government irrevocably to the enterprise, and of retaining the management of the canal in the hands of federal officials. In order to make certain of these points the plan went further, and proposed that the United States should become directly responsible to the company for the entire amount of the stock, which was to be paid over in four annual instalments, the first payment to be made on the first of March, 1825, the last on the first of March, 1829. Here at last was a great work of internal improvement for the execution of which the Federal Government was ex-

pected to become responsible. The whole project was expressly stated to be otherwise impracticable.<sup>1</sup>

The Joint Commission to Survey the Potomac had reckoned upon an equal division of the financial responsibility between the interested states. The existence of industries which paid large profits on all available private capital, leaving none for transportation companies, made the necessity for those facilities all the more pressing. But independent of this fact it was widely believed that canals offered a good investment for the state's money on purely economic grounds. The first cost might be met by a loan. After the completion of the canal, the dividend on the stock would be sufficient not only to pay the interest on the loan, but in time to extinguish the principal. Was not New York about completing such a work at a very reasonable cost, and with every prospect of a liberal income? The Washington Convention simply proposed to apply the same reasoning to the Federal Government. That, of course, involved the old constitutional question which had steadily confronted the country since the Declaration of Independence. That question had defeated two propositions for an extended system of internal improvement by the Federal Government, but at last the success of the so-called "American System" had brought to Congress a solid majority in favor of a strong national policy. Whether prosperity came because of the tariff duties, or not, it certainly came after them, and the theories which had stood the test of oratory and logic for more than a quarter of a century were powerless against the logic of commercial prosperity.

Once more expediency was to triumph over theory. President Monroe believed, like his predecessor, that Congress did not have power, under the Constitution, to undertake works of internal improvement. Yet Monroe was not the one to stand in the way of a popular movement, and

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<sup>1</sup> "Proceedings of the Chesapeake and Ohio Canal Convention in 1823 and 1826," 56.

there were already signs that he would conquer his convictions in regard to internal improvements. Such were the conditions under which the Convention of 1823 assembled. It is not strange, therefore, that the Convention assumed not only the sympathy and interest, but also the financial support of the Federal Government in a work which was to a certain extent, in its very nature, national.

The financial plan thus conveniently disposed of, the Convention was at liberty to address itself to more serious difficulties. Judging from the number and enthusiasm of the delegates the Convention expected that the charter would be readily agreed upon, and that by the spring of 1825 at the latest the company would have all of the many conflicting interests harmonized and be ready to begin cutting the canal. In that event coal would be coming down the canal from the Alleghanies by the summer of 1829. With the large dividends which were confidently expected in that event—the company was forbidden to pay a dividend of more than fifteen per cent. in any one year until the western section of the canal should be completed—the interest was to be paid on the original loan and the canal pushed steadily west to Pittsburg. All this looked reasonable enough to those most familiar with the physical obstacles to be overcome. What the Convention did not foresee was the impossibility of obtaining in this epoch of stage coaches the speed necessary for the successful prosecution of such a work so long as two jealous state legislatures had to agree with the Congress of the United States on every question of policy that might arise.

As an example of the almost romantic nature of what was made to appear so practical an undertaking, the evolution of the name is in point. The Joint Commission had recommended, and the Virginia act of 1823 had adopted the title, "Potomac Canal Company." The Washington Convention, in view of the enlarged purpose of the enterprise, had changed the name to the "Union Canal," which was to consist of an eastern section, extending from Georgetown to

the Coal Banks, and a western section extending from the Coal Banks to the head of steamboat navigation on the Ohio. When the resolutions containing these suggestions were referred, on motion of Mr. Mercer, to a committee, another change of name was proposed. It was discovered that a short canal in Pennsylvania had received the name, "Union Canal," and the committee recommended that their own darling be christened, in allusion to the waters to be connected, the "Chesapeake and Ohio Canal." From that time the Convention has been called the Chesapeake and Ohio Canal Convention.

The resolutions of Mr. Mercer, as revised by the committee of which Mr. Mercer himself was Chairman, were adopted by the Convention on the last day of the session. These resolutions contained a form for the charter, drawn on the lines of the charter of the Potomac Company, enacted by Virginia in the preceding winter. Separate committees were appointed to see that a draft of the charter was promptly introduced at the coming session of the General Assemblies of Maryland, Virginia, Pennsylvania and Ohio, while a similar committee was to look after the interests of the project in Congress. In addition to these there was appointed a Central Committee, with Mr. Mercer as Chairman, to give direction and efficiency to all the various forces at work in behalf of the canal. Among other things the committee was empowered to prepare and introduce into Congress a suitable memorial, gather all the information possible, hasten the surveys, have commissioners appointed to open books for subscription to stock, and, if occasion required, call another meeting of the Convention.

The Convention of 1823 is a very important landmark in the development of the Chesapeake and Ohio Canal project. Up to that time the face of the nation's executive had been firmly set against federal participation in works of internal improvement. After the Convention the National Administration threw to the winds its scruples on the unconstitutionality of such a proceeding, and enlisted heartily and effec-



tively in the project to which the Convention had first given a definite, concrete shape. Up to this point the development had been rather that of a theory—the growth of an idea, which had been very early grasped, and clearly expressed by Washington. After 1823 the development is of another sort.

The most plausible theory may prove difficult to reduce to practice. Three or four generations had passed away while Washington's great idea was slowly maturing into the Chesapeake and Ohio Canal project, with a definite plan for the immediate commencement of the work. To theoretical and logical difficulties must be added henceforth practical difficulties of the most serious character. Ideals must be reduced to realities, and means provided for the actual accomplishment of a project which, for magnitude and bright promise, had scarcely been equaled, perhaps, in the history of transportation.<sup>1</sup>

Before the Convention of 1823, argument for the advantages and even necessity of better transportation facilities by way of the Potomac had formed the burden of examinations, reports and recommendations. After that Convention the question is one of cost, and the possibility of overcoming the physical and other obstacles which one after another confront those who have the responsibility of leading the movement to success or failure.

Finally the project which seemed so promising to the Convention received its first complete expression in that body. Washington, nearly three-quarters of a century before, had indicated in general the lines of transportation to be first developed. The Potomac Company, about half a century before, had partially opened a small section of the lines indicated by Washington. But it remained for the Chesapeake and Ohio Canal Convention of 1823, assembled in the Capitol building in the capital of the nation, to lay down upon

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<sup>1</sup> Letter of General Bernard, printed in "Proceedings of the Chesapeake and Ohio Canal Convention," Washington, 1823 and 1826, 60.

reasonable data a complete plan of communication by canal between the seat of government on the Potomac and the head of steamboat navigation on the Ohio, and thence, by a route which had just been pronounced practicable, to the Great Lakes.

Such was the Chesapeake and Ohio Canal project. It remains to discover how far the enterprise was successful. and to notice some of the things which contributed to its ultimate failure.



## CHAPTER V.

### CHARTER LEGISLATION.

Ordinarily a charter could be obtained from a state legislature for the asking, and usually within a few weeks after the application. But the charter for a great national waterway through the heart of the country was a different matter. Four states and the United States Government were directly interested, and the consent of all would be necessary to the validity of any charter for the entire work. When it is remembered that scarcely a generation had passed since the states had been at daggers' points over their commercial relations, it might be safely predicted that to harmonize five of these conflicting interests in a joint commercial enterprise would be no easy task. Fortunately, the consent of all the parties interested was not necessary to the inauguration of the work. The agreement of Virginia and Maryland, however, seemed essential in any measure affecting the earlier Potomac Company. That company was the creature of those two states; its affairs had been examined and reported upon by a committee acting under a joint authority, and it was clear that the charter which had been drafted for the successor to the Potomac Company, could not become operative until sanctioned by both Maryland and Virginia.

Maryland had neglected to confirm the charter of the Potomac Canal Company, granted by Virginia in 1823, hence the act never became operative. By a rather unexpected turn in the fortunes of the enterprise, however, that act became the basis of the charter of the Chesapeake and Ohio Canal Company.

When the Convention of 1823 met in Washington, the most important business, after defining the project and

deciding upon its expediency and practicability was to agree upon the terms of a charter. Mr. Mercer, who had been the leader of the movement for a convention, never tired of reminding his followers that the charter of the enterprise which was to cement the Union and bring untold wealth and power to the nation, originated in an "act passed by the General Assembly of Virginia on the twenty-second of February."<sup>1</sup> Accordingly, though a few changes were made recognizing the larger purposes of the proposed company, the main features of the charter of the Potomac Canal Company were retained in the new charter, and separate committees were appointed to bring the proposed charter before the legislatures of the several states, and before Congress.<sup>2</sup>

Immediately after the adjournment of the Convention the several committees addressed themselves confidently to the work with which they had been entrusted. Bills were prepared on the basis of the draft which had been adopted by the Convention, and after approval by the Central Committee, forthwith introduced into the legislature of Maryland and Virginia. The committee for Pennsylvania was to postpone action, since it was believed the problem would be simplified by leaving the two states most directly concerned to agree upon the details of a charter which Pennsylvania and Congress could then be asked to confirm.<sup>3</sup>

Virginia had manifested her zeal in the promotion of internal improvements in so many ways within the preceding decade that there could be no reasonable doubt as to her action upon the bill for the incorporation of the Chesapeake and Ohio Canal. But while the questions as to the practicability and urgent necessity of the work remained the

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<sup>1</sup> Speech of Mr. Mercer in Chesapeake and Ohio Canal Convention, 1823.

<sup>2</sup> "Proceedings of the Chesapeake and Ohio Canal Convention," 1823 and 1826.

<sup>3</sup> *Ibid.*, 38.



same as they had been when the previous charter had been enacted, the fact that the request came now for the state to charter a work avowedly proceeding under national auspices, made the whole situation very different. Only twenty-five years had elapsed since that legislature had fulminated the Virginia resolutions, and now it was asked to incorporate a work whose chief claim to support was that the federal power would be strengthened. There were, however, mitigating circumstances in the case. The General Assembly of Virginia still believed in a strict construction of the Constitution, but the need for the proposed improvement amounted almost to a necessity, besides there was nothing in the charter itself which required the Federal Government to prosecute the work. Finally, if the work was actually to be undertaken by the Federal Government it was not yet too late to procure an amendment to the Constitution. Virginia therefore granted the charter, but insisted upon coupling with her sanction a clear expression of her views on the constitutional question involved. With this qualification, so to say, the act of incorporation was passed, January 27, 1824, scarcely two months after the adjournment of the Convention.<sup>1</sup>

In Maryland the measure failed chiefly through what must be called, for want of a better name, jealousy.

Little or no difficulty had been anticipated in procuring the consent of all the states interested, while in Congress the majority for the "American System" had become large enough to render favorable action practically certain. When however it became known that the General Assembly of Maryland had risen without acting upon the charter, its friends began to realize that their dreams of political concert among powers economically antagonistic were not to become realities, at least for the present. This unexpected blow brought matters up with a round turn, since the spe-

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<sup>1</sup> "Laws of Virginia," December Session, 1823, chap. —; also "Acts, etc., Relating to the Chesapeake and Ohio Canal," I.

cial committee which had been appointed to prepare a suitable memorial to Congress could do nothing till the charter should be agreed upon by the two states most directly concerned.

The committee for Pennsylvania, which had been instructed to await the action of Maryland and Virginia in order that the affairs of the Potomac Company might be satisfactorily adjusted between those states, was now directed to use all fair means to procure the assent of Pennsylvania to the charter as enacted by Virginia.<sup>1</sup> In case of success there was still time, before the end of the session, to obtain the consent of Congress. But the legislature of Pennsylvania was not more disposed than that of Maryland to be in a hurry. The interests of Philadelphia must be protected; there were internal improvements of a local character from which great things were expected, and the memorial in behalf of the Chesapeake and Ohio Canal must wait. To bring the matter before Congress in that condition was to create a bad impression, so the whole thing was laid over till the next session of the Maryland legislature, when another step in the foredoomed attempt to manage a great economic interest through the fickle agency of politics would be taken.

At length the General Assembly of Maryland was convened, and then it was developed that not only Pennsylvania had a metropolis, but Maryland also must see to it that her own metropolis did not suffer by the state's action in establishing an all-water route from the West to Georgetown instead of Baltimore. Such a route would inevitably bring to Washington by quicker, cheaper and more certain transportation much of that Western trade that had hitherto found its way to Baltimore. Maryland's statesmen did well to hesitate, but their opposition was not obstinate. Baltimore had already become one of the most important sea-

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<sup>1</sup> "Proceedings of the Chesapeake and Ohio Canal Convention," 1823 and 1826, 39.

ports of the country and her interests naturally demanded protection. Since the only means by which she could participate in the benefits of the proposed canal was through a branch canal, the right to tap the main line at some convenient point in Maryland or the District of Columbia was the only condition upon which the charter would be confirmed. The condition was readily granted by the Central Committee. With this concession expressly stipulated the Virginia act of incorporation was confirmed by Maryland, January 31, 1825.<sup>1</sup>

More than a year had now passed since the Convention of 1823, and yet the charter which at that time it was thought might be secured in three or four months at most, still lacked the sanction of Congress and the consent of the Potomac Company before the new company could be organized. True, these last steps were generally understood to be little more than forms, but even then the canal could not proceed beyond the western limits of the state of Maryland, because Pennsylvania had twice turned a deaf ear to the appeals of the committee appointed for that state. Nevertheless it was determined to bring the matter, as it stood, before Congress without further delay. A bill confirming the acts of Virginia and Maryland was introduced and promptly passed by that body, March 3, 1825. Almost the last official act of President Monroe was to sign this bill, which, less than two years before, in his famous veto message, he had laboriously proved to be unconstitutional. When, on the sixteenth of May, 1825, the Potomac Company formally gave its consent, there was no longer any legal obstacle to the organization of the proposed company. Finally, the legislature of Pennsylvania passed an act, February 9, 1826, in which, upon numerous conditions, the sanction of that state was given to the canal.

Thus more than two years had been occupied in procuring the legislation which the convention of 1823 had hoped

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<sup>1</sup> "Laws of Maryland," December Session, 1824.

for within a few months. But the end was not yet; new difficulties were met at almost every step. It became necessary, therefore, again and again to amend the act of incorporation, and this could be done only through the same tedious, cumbrous process of legislation which had created the charter.

The first of these amendments came in 1827, when Maryland passed an act, February 5, to bring the charter into harmony with the report of the United States Board of Internal Improvement, by allowing the company to terminate the eastern section of the canal "at or near Cumberland," and to substitute inclined planes and railways across the Alleghenies if it be found expedient.<sup>1</sup> But before the amendment could carry any authority the confirmation of Virginia and the Congress of the United States must be secured. Probably that would be no difficult task, but the successful operation of such complicated political machinery requires time under the most favorable circumstances. Virginia acted promptly, confirming the amendment February 26, 1827. Action in Congress was not obtained till May 23, 1828, and by the Potomac Company, July 10, 1828.

A further amendment was enacted by Maryland in 1828, making the stock of the company personal property entitled to all the rights and privileges usually enjoyed by that class of property, and giving to aliens the power to hold the same.<sup>2</sup> Once more the legislative machinery was set agoing and this amendment was confirmed by Virginia February 26, 1828, by Congress May 23, 1828, and by the canal company (which had been organized in June preceding), on the third of July, 1828. Finally, the Potomac Company, which had not yet formally surrendered its charter, gave consent July 10, 1828.

But the canal project had already been long in play as a

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<sup>1</sup> "Laws of Maryland," December Session, 1826, chap. 2, sec. 2.

<sup>2</sup> *Ibid.*, 1827, chap. 61, sec. 2.

political foot-ball, and it was now the turn of Virginia. On the twenty-seventh of February, 1829, an amendment was passed regulating the height of bridges which might be built over the canal. Of course, the confirmatory machinery was regularly put in motion, and the amendment, in due process of time, became law. One more amendment Virginia passed, February 13, 1830, giving permission to the stockholders to commence the western section of the canal, and prescribing the conditions under which the work might proceed. Other amendments were passed from time to time as the changing fortunes of the enterprise required, but it is not necessary to carry our chronological summary further. In the next chapter we return to the narrative where it was dropped in Chapter III.





## CHAPTER VI.

### THE FEDERAL GOVERNMENT ASSUMES CONTROL.<sup>1</sup>

It is necessary at this point to recapitulate the steps by which the Federal Government committed itself to internal improvements of any kind. About 1820 the party in favor of federal public works, seeing little hope of bringing over the administration to the full program of the "American System," began to look about for some specific object upon which the surplus to be produced by a protective tariff might be best expended. The Cumberland road furnished such an object ready prepared to their hand. Made, and more than once prepared, by the Federal Government, why might not this highway be used as the "entering wedge" for a general system of internal improvement, both the need and the possibility of which were being pressed with greater chance of success at each succeeding Congress?

In accordance with this plan Congress passed a bill late in the spring of 1822, making an appropriation for the repair of the Cumberland Road.<sup>2</sup> But once more the bright prospects of the plan were darkened by executive ink. The veto of this bill was followed, May 4, 1822, by Monroe's famous message on the subject of internal improvement.<sup>3</sup> After treating at length the constitutional question, and

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<sup>1</sup> On the subject of Chapters VI and IX, see "Letter of J. P. Kennedy." Washington, J. and G. S. Gideon, printers, 1844. This letter did not come to my notice till both these chapters had been written. It will be seen that my conclusions are supported throughout by the letter.

<sup>2</sup> "Annals of Congress."

<sup>3</sup> Richardson's "Messages and Papers of the Presidents," II, 144-183.

assuming that he had "demonstrated Congress have not the power to undertake a system of internal improvement," the President urged, in view of the manifest advantages of such a system, that an amendment remedying the defect in the Constitution be at once submitted to the states.<sup>1</sup>

No amendment was ever procured, but the subject was kept constantly before Congress by petitions from the people and by frequent reports of committees in the House of Representatives.<sup>2</sup> Such a report had been heard in the House on the second of January, 1822, in which, however, pleading was more prominent than report.<sup>3</sup> "In what age or nation has the power of improving a country been abused?" asks the report.<sup>4</sup> "No power can be more safely placed in the hands of the people." "Even the unsuccessful attempts at great undertakings have received the admiration of mankind." Such were the arguments dinned into the ears of the House almost without intermission.

But the friends of internal improvement were far from being compelled to rely wholly upon *a priori* arguments. Besides the National Road, which appeared to furnish inexhaustible ammunition, there were the District cities, for whose prosperity Congress must be held directly accountable.

Numerous petitions had been received from the District and from the counties adjacent to the Potomac, praying the aid of the Federal Government in improving the navigation of the Potomac River. The committee on the District of Columbia, therefore, made a report on the third of May, 1822, going into the subject of internal improvements at some length, and claiming that the practicability of a canal in the Potomac Valley was no longer open to serious doubt.<sup>5</sup>

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<sup>1</sup> Richardson's "Messages and Papers of the Presidents," II, 144-183.

<sup>2</sup> 17th Congress, 1st Session, XI, doc. III, I.

<sup>3</sup> *Ibid.*, Reports, etc., doc. No. 98.

<sup>4</sup> *Ibid.*, 7.

<sup>5</sup> *Ibid.*, XI., doc. No. III, 29.

Some time before this a resolution in the House had aimed to procure surveys and estimates for the proposed canal, but the Board of Public Works of Virginia had anticipated such action and the required data were already at hand. Those who, in spite of mathematical calculations, still feared that the Alleghany ridge might prove to be an insuperable obstacle, were referred to the canal of Reynosa in Spain, where a descent of three thousand feet had been triumphantly effected in the short compass of three leagues. One thousand feet of this descent had been accomplished in the well-nigh incredible distance of less than half a league, while the tunnel uniting the Thames with the Severn in England, was as long as that proposed by the Board of Public Works of Virginia to connect the sources of the Potomac with those of the Ohio.<sup>1</sup>

The financial plan rested upon the hypothecation by the Federal Government of the lots for sale in the cities of the District of Columbia. On this security the government might borrow two and a half millions for which it was believed the canal could be made, and with the completion of the work in three years, the advance in the value of the lots would more than repay the loan.<sup>2</sup>

With the assembling of Congress in December, with its clear majority for the "American System," there came also a good omen for internal improvement from a quarter whence it might have been least expected. The President, in his annual message, notwithstanding that his plea for constitutional amendment had not been heeded, returned to the subject of the Cumberland Road, declaring that if Congress had power to make the road it surely had power to keep it from going to ruin. Then followed this significant expression: "Under our happy system the people are the sole and exclusive fountain of power."<sup>3</sup> If the people were

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<sup>1</sup> Benton's "Debates of Congress," VII, 448.

<sup>2</sup> 17th Congress, 1st Session, XI, doc. 111, 7, 8.

<sup>3</sup> Richardson, II, 191.

bent upon a system of internal improvement under federal control and at the charge of the federal treasury, why should their chief executive do more than had already been done to prevent the accomplishment of their purpose? It was evident to all thinking men that Monroe had come over to the side of the majority.

In May Congress had been told that authority for its acts must be found in the Constitution, and that the Constitution gave them no power to appropriate money for internal improvement. In December it is the people who are "the sole and exclusive fountain of power," and the Federal Government is at last ready, after a fruitless struggle of more than fifteen years, to undertake a gigantic system of internal improvement reaching every section of the country from Maine to Florida and involving the ultimate expenditure of millions of dollars. The estimates were nearly double the entire annual expenses of the Federal Government at that time.

In this state of affairs it seemed to the friends of the Potomac route that only one thing more was necessary in order to have Congress assume definite responsibility for the proposed canal. That one needful thing was the demand of the people. During the following summer were held the numerous public meetings in which the convention of 1823 originated. The enthusiasm which that convention discovered in favor of a canal to unite the waters of the Potomac and the Ohio furnished the required popular approval. The President was now without grounds for further hesitation, and in his annual message of December, 1823, he recommended that Congress "authorize by an adequate appropriation the employment of a suitable number of the officers of the corps of engineers to examine the unexplored ground during the next season and to report their opinion thereon."<sup>1</sup>

As a sort of preamble to this radical departure from the

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<sup>1</sup> Richardson, II, 216.



previous policy of the government, Monroe summed up under three main heads the strongest arguments of the internal improvement party, and then added a plain statement of his own position in the matter. Monroe's words may be regarded as the platform upon which the Federal Government proceeded in all that was done in the matter of internal improvement, and as the highest authority on the subject. Monroe at that time was not arguing for an indefinite system of internal improvement, but was setting forth the reasons why the Federal Government should construct the Chesapeake and Ohio Canal. The summary is as follows:

First, "A great portion of the produce of the very fertile country through which it would pass would find a market through that channel."

Second, "Troops might be moved with great facility in war, with cannon and every kind of munition, and in either direction."

Third, "Connecting the Atlantic with the Western country in a line passing through the seat of the National Government, it would contribute essentially to strengthen the bond of union itself."

For such a national object as this Congress possessed the power, Monroe believed, to appropriate money, on condition that the jurisdiction remain with the states through which the canal might pass.<sup>1</sup>

The Twenty-third Congress had a good working majority in favor of the "American System" and was, therefore, not slow to act upon the President's suggestion. On the ninth of December a resolution to refer the subject of roads and canals to a standing committee was adopted by a vote of eighty-six to seventy-seven.<sup>2</sup> The committee was immediately appointed, and on the fifteenth of December a bill was introduced appropriating thirty thousand dollars "to procure the necessary surveys and estimates on the subject of

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<sup>1</sup> Richardson, II, 216.    <sup>2</sup> "Annals of Congress," vol. 1823-24, 808.

roads and canals.”<sup>1</sup> On April 30, 1824, this bill, having passed both Houses of Congress, received the approval of the President.

Monroe, without delay, appointed a chief and two assistant engineers, primarily for the purpose of procuring surveys and estimates for the Chesapeake and Ohio Canal. Thus the United States Board of Internal Improvement grew directly out of the Chesapeake and Ohio Canal project and the United States Government became committed to the prosecution of the greatest public work which had up to that time engaged the attention of men.

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<sup>1</sup> “Annals of Congress,” vol. 1823-24, 828, 829.

## CHAPTER VII.

### THE UNITED STATES GOVERNMENT SURVEY AND ESTIMATE FOR THE CHESAPEAKE AND OHIO CANAL.

The person selected to be chief of the United States Board of Internal Improvement was General S. Bernard, a Frenchman, who had been for some time virtually at the head of the corps of United States engineers, though with the title of assistant. He was recognized as one of the foremost engineers of his time. His assistants were Lieutenant-Colonel Totten, of the corps of engineers, and John L. Sullivan, Esq., civil engineer.<sup>1</sup> Besides these three, a considerable number of army engineers and civil surveyors were attached to the board.

Up to this time, it is true, the Chesapeake and Ohio Canal had not been mentioned by name in the proceedings of the Federal Government. But if what has been already related could leave any doubt as to what, in the plans of the Federal Government, really constituted, for immediate and practical purposes, the "system" of roads and canals about to be undertaken, that doubt disappears in the light of the directions which were to guide the board in their work. These directions were as follows: "The board will proceed to make immediate reconnoissance of the country between the tide-waters of the Potomac and the head of navigation on the Ohio, and between the Ohio and Lake Erie, for the purpose of ascertaining the practicability of communication between these points, of designating the most suitable route

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<sup>1</sup> See letter of General Macomb, May 31, 1824, printed in Senate Document No. 32, 8, 18th Congress, 2d Session.

for the same and of forming plans and estimates in detail of the expense of erection.”<sup>1</sup> Then the board was urged to push the work on this important line in order to have a report ready for the next session of Congress.

For two successive years more than half the entire appropriation for surveys was expended on the Potomac route alone,<sup>2</sup> while little was done on any other line beyond a reconnoissance upon which future surveys might be based. Following the directions of his superior, Chief Engineer Bernard turned his attention almost exclusively to the Chesapeake and Ohio Canal. In July, 1824, was completed the organization of three brigades of engineers, two of which were assigned to the summit of the Alleghanies, and the third to the valley of the Potomac.<sup>3</sup>

The parties assigned to the mountains were not able to complete their portion of the work until the next season. In the valley of the Potomac fever soon disabled both officers and men, therefore little was accomplished there before 1825. In that summer the engineers were in the field in April, three brigades east of the Ohio River and one between Pittsburg and Lake Erie.<sup>4</sup>

The character of the survey and estimate made for the Chesapeake and Ohio Canal by the United States Board of Internal Improvement can only be appreciated fully when it is remembered that the chief of the board was a military engineer of the first rank, who, according to his long-established custom, did his work with little reference to temporary or economic considerations. Fully alive to the national significance of the proposed work General Ber-

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<sup>1</sup> 18th Congress, 2d Session, Senate Doc. No. 32.

<sup>2</sup> 19th Congress, 1st Session. See table at the end of Document No. 149.

<sup>3</sup> Letter of General Bernard to General Macomb, December 26, 1825, printed in "Proceedings of the Chesapeake and Ohio Canal Convention," etc., 58-60.

<sup>4</sup> See the MSS. report of this survey in the War Department, Washington.

nard proceeded on precisely the principles which had guided him so recently in the construction of Fortress Monroe. He did the United States the honor to believe that Congress was perfectly serious in its intentions; that the country was entirely competent from a financial point of view, and was about to construct a work which was to be the pride and glory of the nation for generations to come.<sup>1</sup>

The plans for the surveys were as follows:

"The complete project of a canal requires great researches and careful investigation of its smallest details."

I. There must be the general reconnoitering of the ground.

II. An exact survey must be made to determine accurately the topography of the region to be traversed, as well as differences of level and water supply.

III. Exact drawings of the work must be made and the cost of the construction accurately calculated.<sup>2</sup>

Upon these principles and guided by the work of previous surveyors, especially that of Mr. James Shriver on the summit of the Alleghanies in the summer of 1823, the surveys went slowly forward, and on the fourteenth of February, 1825, the results of the previous season's work were transmitted to the President and by him were laid before Congress.

The projected canal was described in two parts:

I. The Chesapeake and Ohio Canal proper, extending from tide-water in the Potomac to Pittsburg on the Ohio.

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<sup>1</sup> See "General Considerations" upon the conclusion of the work of the Board of Internal Improvement, Document No. 10, 19th Congress, 2d Session. State Papers, II, 63-80.

<sup>2</sup> 18th Congress, 2d Session, Senate Doc. No. 32, 14.

<sup>3</sup> See elaborate report of Mr. Shriver's work, entitled "An Account of Surveys and Examinations, with Remarks and Documents, Relative to the Projected Chesapeake and Ohio and Lake Erie Canals." By James Shriver, Baltimore, 1824. The work is accompanied by a map of the summit level region, which differs somewhat from the plan prepared by the Board of Internal Improvement.



II. The Ohio and Erie Canal, extending from Pittsburg through either Ohio or Pennsylvania to Lake Erie.

The Chesapeake and Ohio Canal proper was subdivided into three sections :

I. The eastern section, extending from tide-water in the Potomac to the mouth of Savage River.

II. The middle section, extending from the mouth of Savage River to the Youghiogeny River at the mouth of Bear Creek.

III. The western section, extending from the mouth of Bear Creek through the valley of the Youghiogeny to Pittsburg.

In the eastern section the canal was to follow the north bank of the Potomac. The surveys and estimates were completed accordingly and the canal was located by the United States engineers on the Maryland shore.

The middle section was, naturally enough, found to present the greatest difficulties to be met with in the entire project. This section included the summit level of the canal, offering at the same time the greatest elevation to be overcome and the scantiest supply of water. To this section, therefore, the board had devoted most of its energies during the season of 1824. Here it was that the surveyors were visited about the middle of September, 1824, by Mr. Calhoun, then Secretary of War, under whose supervision the work had been undertaken.<sup>1</sup>

The summit level had been established at a bridge across Deep Creek, and here, in the presence of their distinguished visitor, the engineers carefully measured the supply of water. It was found that there was enough water to fill a lock sixty feet long, twelve feet wide and ten feet deep in thirteen minutes, notwithstanding the season had been unusually dry. From that time the question of water supply, which had occasioned much uneasiness on the part of the friends of the project, was considered as finally settled.

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<sup>1</sup> *Niles' Register*, 3d Series, III, 53.

The most important work done on this section was the tedious, careful comparison of routes in order to determine the best location for the tunnel which was known to be required. The results of the summer's work seemed to point to what was known as the Youghiogheny Route, by way of Savage River, Crabtree Creek and thence by tunnel from a small branch of Crabtree Creek to a small branch of Deep Creek, on the western side of the ridge.

In 1824 the western section had received little more than a preliminary examination. It was then determined that that part of the canal should lie on the right bank of the Youghiogheny and the Monongahela. It was noted that this section would require some expensive work, such as aqueducts and deep cuts, but there was no question of its ultimate practicability. Contributory streams to the Youghiogheny and Monongahela were closely observed and a favorable location for at least one branch canal selected.

While the brigades of Captain McNiell and Captain Shriver were thus respectively employed on the eastern and western side of the summit level, members of the Board of Internal Improvement were making an examination of the Ohio country. This part of the project, described in the report as the "Ohio and Erie Canal," was subdivided into (1) the southern section, extending from Pittsburg to the summit level on the watershed between the Ohio and Lake Erie, and (2) the northern section, extending from the summit level to Lake Erie, near the mouth of the Ashtabula.

For this part of the canal four possible routes were examined, but they differed in little except the location of the summit level, a practical question which would have to be determined ultimately by the water supply. In any case the route would lie by way of the Ohio to the mouth of Big Beaver Creek, and thence, probably, along the valley of that stream to the summit level.

From the summit level to Lake Erie the routes differed considerably. Cleveland was suggested as the northern terminus of the great work, on the ground that an earlier

opening would be possible in the spring. But the final recommendation was in favor of the mouth of Ashtabula Creek, on the ground of economy—shorter route and less lockage.<sup>1</sup>

Notwithstanding the name, "Ohio and Erie Canal," this section was none the less understood to be merely a part of the Chesapeake and Ohio Canal, "forming part of that noble line of artificial communication which will join the vast regions of our Northern Lakes with the Capital of the Republic."<sup>2</sup> The indefinite character of the information contained in the report, however, did not warrant congressional enactment, and so the matter was postponed.

April, 1825, found four brigades of engineers in the field, three on the Chesapeake and Ohio Canal proper, and one on the Ohio section just described.<sup>3</sup> All through that season the work went slowly forward. Again Congress met and again there was no official information or report upon which to base intelligent action. As the session wore to its close without any report from the engineers, the friends of the project began to grow restless. To anxious letters of inquiry<sup>4</sup> the

<sup>1</sup> Since this part of the project was carried no further, a summary of the route gathered from the MSS. report in the War Department at Washington may be of interest:

	Length in Miles	Summit Level above Lake Erie in Feet	Total Lockage in Feet
Champion Swamp Route, . .	115	342	557
The Long Route, . . . . .	140	470	749
Connert Route, . . . . .	113	470	803

The Connert route was recommended by the Commissioners. See 18th Congress, 2d Session; Senate Document, No. 32, 55.

<sup>2</sup> "Report of the United States Board of Internal Improvement." Printed as Senate Document No. 32, 18th Congress, 2d Session, 53.

<sup>3</sup> Letter of General Bernard to General Macomb, December 26, 1825. Printed in "Proceedings of the Chesapeake and Ohio Canal Convention," Washington, 1823 and 1826, 59, 60.

<sup>4</sup> See copies of letters from Mr. Mercer, printed in "Proceedings, etc." Note 2, Appendix.

chief engineer, General Bernard, replied that estimates of such importance could not be grounded upon conjecture and misleading analogies, for there were no canals "to be compared in magnitude and difficulties to be overcome, with the Chesapeake and Ohio Canal."<sup>1</sup>

Finally, however, on the twenty-first of March, 1826, Bernard was induced to give the results which had, up to that time, been obtained by the board with reference to the eastern section, *i. e.*, from Cumberland to Georgetown. This section, as drafted by the United States Board of Internal Improvement, was to cost, in round numbers and exclusive of the item of contingencies, what was for that time the enormous sum of eight million eighty-five thousand dollars.

The publication of the board's estimate, in the spring of 1826, marks a turning point in the history of the Chesapeake and Ohio Canal. Up to that time the most liberal estimate for the eastern section had stood at two million seven hundred and fifty thousand dollars. The friends of the project had first hoped to begin the work of construction in the spring of 1825, only to find themselves disappointed by the slow processes of politics. Taking courage again they had confidently looked forward to the spring of 1826 for tangible results. Now they were dismayed. They saw that the work simply could not proceed in the face of such an estimate, and there was not sufficient time left to obtain a revised estimate before the end of the session of Congress. However, when it was learned that the General Assembly of Maryland had passed an act subscribing five hundred thousand dollars to the stock of the proposed company, the Central Committee thought it worth while to memorialize Congress without further delay. From this source the committee expected to realize one million dollars. The memorial was referred and a favorable report was obtained, Mr. Andrew Stewart, of Pittsburg, one of the leaders of the project, being at that time chairman of the

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<sup>1</sup> Letter of General Bernard, cited in note 2, 60.

House Committee on Roads and Canals.<sup>1</sup> But the project got no farther, for, a few days later, Congress adjourned.

The ambitious project for a canal through the heart of the young republic had, after four years of hopeful struggle, at last stuck fast in a slough of figures unwittingly prepared by the friends of the enterprise. The time had come for decisive action. The friends of the enterprise decided upon heroic measures. They would call another meeting of what had been known since 1823 as the Chesapeake and Ohio Canal Convention, prove that the estimate of the United States Board of Internal Improvement was too large by half, procure, besides private subscriptions to the stock of the company, a million dollars from Congress, a million and a half from the District cities—Washington, Georgetown and Alexandria—and, with something less than four million dollars in sight, including private subscriptions, proceed with the construction of the canal.

But for one element of weakness which the friends of the enterprise seem never to have taken sufficiently into account, this plan would probably have succeeded. That element of weakness was the delay involved. Delay was necessary to the execution of the plan, and delay meant defeat, because both in Maryland and in Congress the canal's chief sources of strength, the forces which ultimately led to defeat, were rapidly gathering head and needed only time to develop their full strength. In 1826 a new Congress was elected and the "American System" was doomed. In that same year prominent business men of Baltimore were diligently investigating a new system of transportation which, under the competition of John Ericsson, better known as the inventor of the "Monitor," and George Stephenson, of locomotive fame, was just passing through its experimental stage on the Liverpool and Manchester Railroad in England.

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<sup>1</sup> "Report of Mr. Stewart on the Chesapeake and Ohio Canal." Washington, 1826.



## CHAPTER VIII.

### THE CONVENTION OF 1826 AND THE REPORT OF MESSRS. GEDDES AND ROBERTS.

The report of the United States engineers was not ready for publication in detail till October, 1826. Whatever may be said of the failure of the project, the canal as constructed on paper was a marvel of ingenuity and scientific skill. Scarcely a detail in the entire work from Washington to Pittsburg was omitted. Every item of cost was included by name even to the fraction of a cent.<sup>1</sup>

The water-way of this famous report lay on the north bank of the Potomac from Georgetown to Cumberland, every foot of the canal having been surveyed and definitely located. From Cumberland it proceeded by way of Will's Creek to the mouth of Bowman's Run.<sup>2</sup> It then crossed the highest ridge of the Alleghanies by a tunnel and descended in succession the valley of Casselman's River, the Youghiogheny and the Monongahela, terminating at Pittsburg.<sup>3</sup> The total estimate was something over twenty-two million dollars.<sup>4</sup>

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<sup>1</sup> It is an interesting coincidence rather than a logical result that the part of the canal afterwards constructed from Georgetown to Cumberland cost almost to the dollar the sum named by the United States engineers in this report.

<sup>2</sup> It will be observed that the route of the canal westward from Cumberland was changed from the Youghiogheny route of the preliminary report to the Casselman's River Route in the complete report; also Cumberland and not the Coal Banks is to be the terminus of the Eastern section.

<sup>3</sup> "Report of the United States Board of Internal Improvement," October 26, 1826. Executive Document No. 10, 22.

<sup>4</sup> Summary of the report is as follows:

	Miles.	Yards.	Lockage ft.	No. Locks.	Estimated Cost.
Eastern Section,	185	1078	578	74	\$8,177,081.05
Middle    "	70	1010	1961	246	10,028,122.86
Western   "	85	348	619	78	4,170,223.78
Totals,	340	2436	3158	398	\$22,375,427.69

Meanwhile the Central Committee and the commissioners to open books for subscriptions to the stock of the company had united in calling another meeting of the Chesapeake and Ohio Canal Convention. In pursuance to this call the delegates reassembled in Washington December 6-9, 1826. The chief business of the Convention was the consideration of the final report of the United States engineers with a view to reduce their estimate of cost to a practicable figure. The Convention proved to its own satisfaction that, when the errors of the United States engineers were corrected as to the actual cost of labor and materials, the Georgetown-Cumberland section of the canal could be constructed for less than five millions of dollars, without changing the great width and durability of the canal recommended by the report.

If the friends of the enterprise had accepted this revision as final the work might have been commenced at least as early as the spring of 1827 with still a possibility of success. Instead of that, however, it was decided that an entirely new survey and estimate, at least of the Georgetown-Cumberland section, must be made. In March, therefore, upon the request of some twenty or more members of Congress, President Adams appointed Mr. James Geddes and Mr. Nathan S. Roberts, of the topographical engineers, to survey again the entire route from Georgetown to Cumberland, and to revise the estimate of the Board of Internal Improvement on the basis of actual wages and current prices for materials.<sup>1</sup>

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<sup>1</sup> Just before the Convention of 1826, Mr. Lacock, a United States Senator, and a practical contractor as well, in answer to an inquiry from Mr. Stewart wrote: "My project would be this: Make a lock and canal navigation from Washington City to Cumberland; take the National Road as your portage road until you come to the Little Crossings, twenty-two miles from that point; make canal and lock navigation to Pittsburg. \* \* \* Of this I am positive, that this improvement could be made for less than six millions of dollars, and that in a very short time you would have as much freight upon your

This revision was accomplished during the season of 1827 and the report of Messrs. Geddes and Roberts was transmitted to Congress on the tenth of March, 1828.<sup>1</sup> According to the revised estimate in this report the eastern section was to cost \$4,479,346.93. The project had been rescued from the realms of imagination and there would be a Chesapeake and Ohio Canal! It was a gala day for the friends of the enterprise and enthusiasm rose to a high pitch.

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canal as could be passed through one set of locks, \* \* \* I am very willing to undertake the Eastern section at my old bid, two and a half millions. \* \* \* There is nothing wanting but to give up everything that is enormously expensive in the project, and adopt what is within the means at your command." See "Proceedings, etc., of the Chesapeake and Ohio Canal Convention," 1823 and 1826, 105.

The Eastern section afterwards cost the state of Maryland alone \$11,279,836.94. See "Report to the Stockholders on the Completion of the Chesapeake and Ohio Canal to Cumberland," 154. Here is certainly food for reflection.

<sup>1</sup> State Papers, V., Doc. 192, 20th Congress, 1st Session.



## CHAPTER IX.

### THE CHESAPEAKE AND OHIO CANAL AS A NATIONAL ENTERPRISE.<sup>1</sup>

After long waiting and many disappointments the commissioners who had been appointed by the President of the United States and the Governors of Maryland and Virginia to open books for the subscriptions of stock, finally made their announcement, August 20, 1827. In accordance with the notice then given subscription books were opened, October 1, 1827. In less than a month and a half there had been subscribed, independently of the debts of the Potomac Company, the sum of one million five hundred thousand dollars.<sup>2</sup> This sum was sufficient, under the provisions of the charter, to permit the organization of the proposed company. But Congress had not yet acted. For several years past everything had waited upon the action of the Federal Government, and now, on the point of realization of hopes so long deferred, came the fatal delay, the final waiting for the support of Congress, which assured the defeat of the whole great enterprise.

Had the company been organized in November, 1827, and actual work pushed from the earliest spring of 1828, there was unquestionably a chance of reaching Cumberland before the accumulated enthusiasm of years had become entirely exhausted. But the Federal Government had taken up internal improvement and the Chesapeake and Ohio Canal project was to be made the irrefutable proof of the folly of such a course.

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<sup>1</sup> See Chapter VI, note 1.

<sup>2</sup> "Maryland Court of Appeals Reports," 4 Gill and Johnson, 57.



At length, May 24, 1828, the action of Congress directing the Secretary of the Treasury to subscribe for ten thousand shares of the stock of the Chesapeake and Ohio Canal Company, was approved.<sup>1</sup> The act directs the subscription to be paid out of the dividends accruing to the United States on account of the stock of the United States Bank. The privilege of voting the stock of the United States was conferred upon the Secretary of the Treasury.

On the same day an act was approved giving the sanction of Congress to any subscriptions which had been made, or might be made, to the stock of the proposed company by the cities of Washington, Georgetown and Alexandria.<sup>2</sup>

Washington had already subscribed ten thousand shares and soon Georgetown and Alexandria each subscribed twenty-five hundred shares. The financial support which the Chesapeake and Ohio Canal Company received from the Federal Government must, therefore, be reckoned not at one million dollars but at two and a half millions. What grounds had Congress for expecting that towns such as those of the District were in 1828 could hope to meet even the interest on such vast sums? Compare, for instance, the action of Shepherdstown, West Virginia, with that of the District cities. This thriving little town, wide awake to the interests of commerce, and acting entirely upon its own responsibility, subscribed twenty shares.

The District cities, it is true, looked for rapid growth under the impulse which the proposed improvement was expected to give to trade. Perhaps, also, the smallest of these cities was financially stronger than Shepherdstown, but it cannot be supposed that either Georgetown or Alexandria was one hundred and twenty-five times stronger.

However that may be, the fact remains that the loan which the District cities and Alexandria negotiated in Holland to meet their subscriptions, was finally liquidated by the

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<sup>1</sup> "Debates of Congress," vol. 1827-8, Appendix, xxvii.

<sup>2</sup> *Ibid.*, xxvii, xxviii.

Federal Government, though not till 1837. If this should leave any doubt as to the national character of the enterprise, that doubt ought to be dispelled by recalling the attitude of the Federal Government toward the project from its very inception. So important is this point that it seems worth while to repeat here in briefest outline, the previous development of the project.

The practicability of connecting the waters of the Potomac with those of the Ohio had been first suggested in 1820,<sup>1</sup> in a report of the chief engineer of the Board of Public Works of Virginia. From that time petitions were frequently sent to Congress praying for aid in clearing the channel of the Potomac for navigation. On the third of May, 1822, the Committee on the District of Columbia made a favorable report on the numerous petitions which had been received, and called the attention of Congress to the practicability of connecting the seat of government with the Western country by means of a navigable canal. This report may, in a certain sense, be regarded as the origin of the Chesapeake and Ohio Canal project. It is true that the House Committee on Roads and Canals had made a report in January, 1822, urging the Federal Government to take up the matter of internal improvement. Moreover, the report of the Committee on the District of Columbia was itself one of the results of a still earlier report of the chief engineer of the Board of Public Works of Virginia, while this last in turn had been brought about by the failure of the Potomac Company. But it may also be correctly said that none of these earlier reports had clearly in view what was later undertaken by the Federal Government as the Chesapeake and Ohio Canal.

On the other hand, the report of May 3, 1822, points unmistakably to the canal project as finally adopted, and at the same time led directly to the calling of the Convention

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<sup>1</sup> "First Annual Report of the Chesapeake and Ohio Canal Company," Appendix, xxiii.

of 1823.<sup>1</sup> By that Convention the President of the United States was interested, and at his suggestion the survey act of April 30, 1824, was passed. With the passage of that act the Federal Government may be fairly said to have committed itself to the Chesapeake and Ohio Canal project. From that time the action of the United States determined the fortunes of the enterprise. For example, the committee which had been appointed by the Convention of 1823 to interest the legislature of Ohio, was at once directed to postpone action in view of the fact that the entire route was to be surveyed by United States engineers.<sup>2</sup> More than that, the work had been so well managed by the Central Committee that subscriptions to the stock of the company might have been solicited a year and a half earlier than the books were finally opened, but nothing could be intelligently done till the estimates of the United States Board of Internal Improvement could be obtained.<sup>3</sup> Another year was lost in the revision of these estimates, so that it was not till May 4, 1828, that the action of Congress opened the way for the legal organization of the company. Notice was promptly given and on the twentieth of June, 1828, the stockholders met to elect a president and six directors. Mr. Charles Fenton Mercer,<sup>4</sup> of Virginia, was chosen president.

Most elaborate arrangements were made for the ceremony of breaking ground for the first great work of national improvement. The spot chosen was near a powder magazine

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<sup>1</sup> "First Annual Report of the Chesapeake and Ohio Canal Company," Appendix, xxiii.

<sup>2</sup> "Proceedings of the Chesapeake and Ohio Canal Convention," 38.

<sup>3</sup> 20th Congress 1st Session, February 11, 1828, Report No. 141, 50-59.

<sup>4</sup> Mr. Mercer had been the moving spirit in the Leesburg meeting, the first public meeting held in the interest of the canal project. From that time forward few if any had labored so persistently or so effectively as he. His presidency continued for five years, lacking fifteen days. For the period of Federal interest and encouragement, about ten years, Mr. Mercer was the soul of the project.

at the head of the Little Falls,<sup>1</sup> about five miles west of Georgetown, and accessible by boats up the Potomac.

Among those invited to attend the ceremonies on the Fourth of July, 1828, were the President of the United States, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Postmaster General, the Minister of Great Britain to the United States, the Russian Minister and Secretary of Legation, the Minister of the Netherlands, the Chargé d'Affaire of Sweden, the Brazilian Secretary of Legation and the Vice-Consul General of France, comprising all the representatives of foreign powers at that moment in Washington.

The morning appointed for the exercises broke clear and beautiful. The procession formed at eight o'clock near Bridge street, whence the line of march led to High street, accompanied by the music of the Marine Band. Once aboard the Potomac River boats, the short voyage to the Little Falls was made without important incident.

A great concourse of people had gathered to witness the doings of that day, many even climbing into the neighboring trees in order to command a better view. When the spot where the first spadeful of earth was to be taken up had been selected, and a little space cleared of the crowd, President Adams stepped forward and delivered an oration appropriate to the occasion. Among other things, he said, "I regard this event the most fortunate incident in my life." Then, taking from Mr. Mercer, president of the company, the spade which had been provided, the President struck it vigorously into the ground. The spade caught on a root and refused to bring up earth, whereupon the last of the dignified, old-school Presidents, threw off his coat, and amidst the applause of the assembled thousands, with music by the band thrown in, proceeded with that determination which, he declared, should characterize the efforts of the

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<sup>1</sup> "MS. Proceedings of the President and Directors of the Chesapeake and Ohio Canal Company," July 1, 1828.

company, to begin the excavation of the eastern section of the canal. The work was completed a little more than twenty-two years later.

The return down the Potomac was made in the midst of general rejoicing and goodfellowship. At the collation which was served on board boat, the President of the United States proposed the following toast: "To the Canal: Perseverance." The toast proposed by the president of the company was, "The Constitution of the United States." The Secretary of the Treasury proposed: "The Chesapeake and Ohio Canal."<sup>1</sup> Thus, under the immediate auspices of the Federal Government, and with high hopes, was begun the historic Chesapeake and Ohio Canal.

The company's charter required one hundred miles of the canal to be opened for navigation within three years from the time work was commenced. On that propitious Fourth of July there were good reasons for expecting the entire eastern section of the canal to be completed before the end of that time.

Contracts were soon closed for forty-three miles of the canal, but the difficulty of getting laborers was so great that arrangements had to be made to import them from Europe. "Meat three times a day, a plenty of bread and vegetable, with a reasonable allowance of liquor and eight, ten or twelve dollars a month for wages would, we have supposed, prove a powerful attraction to those who, narrowed down in the circle of their enjoyments, have at this moment a year of scarcity presented to them,"<sup>2</sup> writes Mr. Mercer to the United States Consul at Liverpool. At the same time half a dozen copies of a suitable advertisement were sent to be published in Dublin, Cork and Belfast. Notices were also sent to Holland.<sup>3</sup>

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<sup>1</sup> For full description of the ceremonies in connection with the breaking of ground, see *Niles' Register*; XXXIV, 325-8.

<sup>2</sup> MS. Letter Book, Chesapeake and Ohio Canal Company, 1828-1832, 39.

<sup>3</sup> *Ibid.*, 41.



Plans, too, were already on foot for opening books of subscription to the stock of the company in Great Britain and on the continent.<sup>1</sup>

Before March, 1829, the whole forty-eight miles of canal between Georgetown and Point of Rocks had been let to contractors and before the first of May, 1829, more or less work had been done on all the five residencies into which that section had been subdivided.<sup>2</sup> The cost of the work up to that date had amounted to \$131,168.94. From the first of May to the first of August, 1829, further work was done to the amount of \$164,569.96, making a total of \$295,738.90, or about one-fourth of the work necessary to open that section of the canal to navigation.<sup>3</sup>

The advertisement for foreign labor had meanwhile met with satisfactory responses. In July Mr. Mercer wrote to Mr. Maury in Liverpool to have emigrants embarked in time to reach America in September or October, since by that time "the autumnal fevers in the Potomac Valley, when any occur, are over, and there are still three months for labor."<sup>4</sup> In order to further expedite matters, Mr. Henry B. Richards was engaged as an agent of the company and sent to Liverpool to deal directly with any who were willing to emigrate.

Before October the foreigners began to arrive, and for awhile wages fell according to the expectations of the company. But on the whole the season of 1829 had proven most unfavorable to the enterprise. Fevers became so prevalent that some of the contractors were compelled to withdraw temporarily,<sup>5</sup> and it was late in the autumn before the various gangs were again reported in good condition.<sup>6</sup>

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<sup>1</sup> MS. Letter Book, Chesapeake and Ohio Canal Company, 1828-1832, 40.

<sup>2</sup> MS. Letter, Mr. Mercer, March 7, 1829.

<sup>3</sup> "First Annual Report of the Chesapeake and Ohio Canal Company," Appendix, table between xxii and xxiii.

<sup>4</sup> MS. Letter, Mr. Mercer, July 8, 1829.

<sup>5</sup> MS. Letter, Secretary of the Company, August 24, 1829.

<sup>6</sup> "Second Annual Report of the Company," 6.

The immigrants were brought over at the expense of the company for the most part, a sort of return to the indenture system of early Virginia, since the laborers were compelled to sign a strict contract before leaving Europe. And when the laborers arrived on the ground there was a re-enactment of the scenes which had so irritated Captain John Smith at Jamestown just about two hundred years before. The newcomers were often idle and quarrelsome, while the laws of free America were found ill adapted to such conditions,—conditions, it should be remarked, which those laws were neither intended nor expected to cover.

Insubordination and general disorder became common. The contracts which the laborers had been compelled to sign could not be enforced, while in some instances the laborers ran away and were brought back only at great expense, if indeed they could be captured and returned at all.<sup>1</sup> In October a party of these indentured derelicts was arrested in Baltimore, but a mob gathered about the officers and aided the captives to escape.<sup>2</sup> Toward the end of October the “Shenandoah” arrived in the Potomac bringing “a hundred and seventy-six more of the plagues.” After that the importation of labor was ordered to be stopped until further notice.<sup>3</sup>

So late as the middle of October physicians were regularly employed by the company to attend the sick, who were to be formally reported to the “Superintendent of Imported Laborers” as soon as they should recover. The weather, however, permitted the continuation of the work far into the winter, and on the twenty-eighth of November there were thirteen hundred and sixty-six men, “besides the usual proportion of other force,” employed on the three “Residencies” into which the distance between Georgetown and Seneca had been divided. This section of

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<sup>1</sup> “Second Annual Report,” June 7, 1830, 5, 6.

<sup>2</sup> MS. Letter, Secretary of the Company, October 26, 1829.

<sup>3</sup> *Ibid.*

the canal between the Little Falls and Seneca the company expected to open to navigation by the first of June, 1830.<sup>1</sup>

Before the work closed for the winter the expenditures had reached the sum of \$560,750.63, or nearly half of the cost of the canal from Georgetown to Point of Rocks. But for some time past the work had been restricted to the section below Seneca because from that point westward there was to be no supply of water till Harper's Ferry should be reached.<sup>2</sup>

It further turned out that the section below Seneca could not be opened on the date expected, though three-fourths of all the work between Georgetown and Point of Rocks had been completed. But in November, 1830, the section from Seneca to the old locks of the Potomac Company at Little Falls through which it was possible to reach tide-water, was opened to navigation. The distance from Georgetown to Seneca is about twenty miles. Early in the spring of 1831 the canal was opened a mile below Little Falls, and with the further extension of a mile a little later, the work was brought in sight of Georgetown.<sup>3</sup>

With the practical completion of these twenty miles of the canal in the summer of 1831, another phase of the history of this ill-starred enterprise is introduced. The force in the employment of the company had already been greatly reduced more than a year before, while still further reductions had just taken place, with a prospect of bringing the work to a complete stop, pending a decision in the controversy with the Baltimore and Ohio Railroad Company.<sup>4</sup>

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<sup>1</sup> MS. Letter, Secretary of the Company, December 12, 1829.

<sup>2</sup> *Ibid.*, December 14, 1829.

<sup>3</sup> Third Annual Report," 5.

<sup>4</sup> *Ibid.*, 30.



## CHAPTER X.

### CANAL AGAINST RAILROAD.

From a small settlement on the banks of the Patapsco in 1729, Baltimore had become in 1829 a flourishing commercial center. The largest flour market in America, her trade in general compared favorably with that of Philadelphia, and had even kept pace fairly well with that of New York. As the western country began to claim more and more the attention of the cities on the coast a business rivalry naturally sprung up among them, especially for the promising trade of the region between the Ohio and the Great Lakes. It had been noticed as early as Washington's day that the traffic from that area must, under the conditions which existed until 1803, pass by way of the Great Lakes and the state of New York, or by way of the Potomac to the Chesapeake Bay.

It was not strange, therefore, that as early as the beginning of the present century New York, Philadelphia and Baltimore were each pushing one or more independent enterprises for the improvement of transportation facilities to the West.<sup>1</sup> Now the manifest advantage of Baltimore in the race lay in the fact that her distance from the goal was some fifty or sixty miles less than that of Philadelphia, and between one hundred and two hundred miles less than that of New York.<sup>2</sup> Such a difference in distance has not been sufficient under the transportation systems developed in the present century to decide which should be the metropolis, but when the average cost of transporting a bushel of wheat

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<sup>1</sup> "Report of the Secretary of the Treasury on the Subject of Roads and Canals," Washington, 1808, 46-48.

<sup>2</sup> *Ibid.*, 23.



was about a quarter of a cent a mile, a small difference might well have determined which should be the chief seaport for the produce of the interior.<sup>1</sup>

But there was another thing which appeared to favor Baltimore as the metropolis of the future. The National Road was already making its way westward from Cumberland, while from that place by way of Frederick to Baltimore roads were soon in such a condition as to offer the best transportation by land then known.

Yet by the middle of the second decade of this century the commercial states of the Union had become saturated with the canal idea, and Baltimore was not fortunately situated for canal communication with the West. On the other hand New York, before 1820, was pushing the Erie Canal across that state to the Great Lakes, while Philadelphia with a sort of mongrel sluice and river navigation was reaching out toward Pittsburg and the Ohio valley. If, therefore, canals were to furnish the transportation of the future, there was little promise that Baltimore would be really in the race at all, for there was no considerable river valley connecting Baltimore with the distant interior. It is true that the Potomac was only forty miles distant with comparatively level country intervening, but Baltimore very correctly judged that a canal in the Potomac Valley would do much more to build up for her a rival on the lower Potomac than it would do for the development of her own trade. Hence, when the bill for incorporation of the Chesapeake and Ohio Canal had first come before the General Assembly of Maryland the state refused its assent on the ground that the charter did not expressly give Baltimore the right to participate in the advantages of the canal through a branch canal to terminate in that city. But in this a very pardonable local jealousy had, perhaps, gone rather far, for there appeared to be no disposition whatever on the part of the promoters of the canal project to localize its advantages.

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<sup>1</sup> "Annals of Congress," 1810, II, 1394.

The people of western Maryland, however, began to be interested in the canal because it would furnish them direct and cheap transportation for their produce. Meetings were held in the interest of the canal with a desire to influence the General Assembly. At one of these meetings held in Frederick in the fall of 1825 it was decided to hold a general convention in Baltimore. By that time the Erie Canal had been opened in New York, the Federal Government was pushing its survey of the Chesapeake and Ohio route, and it began to look as if Maryland must get into line pretty quickly or be left practically without communication with the West. Under such conditions internal improvement naturally became a political issue. There was a sort of general rising throughout the state. Accordingly when the internal improvement convention which had been called by the Frederick meeting met in Baltimore December 14, 1825, a memorial was drawn up and presented to the General Assembly requesting a state subscription to the stock of the canal company.<sup>1</sup> The privilege of a branch canal to Baltimore had been granted, and as no other means had yet appeared by which Baltimore might hope to participate in the Western trade, the General Assembly was urged to act at once while the co-operation of the United States might be secured. What the General Assembly did for the Chesapeake and Ohio Canal at that time has already been related. It is needful to recount here only what was done to enable Baltimore to compete for the Western trade on equal terms with the other cities of the coast.

In view of the importance which internal improvement had assumed for Maryland and especially for Baltimore the General Assembly passed an act March 6, 1826, for the promotion of internal improvement, and granted a charter to the "Maryland Canal Company."<sup>2</sup> This company was charged with the making of a canal from some convenient

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<sup>1</sup> *Niles' Register*, New Series, V, 164, 246, 328.

<sup>2</sup> "Laws of Maryland," December Session, 1825, chap. 180.

point of intersection with the Chesapeake and Ohio Canal on the Potomac to Baltimore.<sup>1</sup>

The surveys for the Maryland Canal were prosecuted during the season of 1826 under the efficient management of Dr. William Howard, and by November of that year the work had been pronounced practicable and a route had been selected.<sup>2</sup> But just as the making of canals was about to be seriously undertaken in the south there came from England a new idea in transportation destined to change completely the development, not only of the Chesapeake and Ohio Canal project, but of the economic conditions of the entire world. Baltimore was the first American city to seize and apply the results of George Stephenson's experiments with steam.

During February, 1827, several meetings in the interest of internal improvement were held in Baltimore, and the battle, canal against railroad, was fought over again and again with vehemence.<sup>3</sup> To speak of a convention of progressive business men called to discuss the relative advantages of canal and railroad would now provoke a smile, but it should be recalled that in 1827 the canal was an established commercial agent, while there was not a steam railroad in all America, and only one short experimental line in all the world. For more than half a century the canal had been to the commerce of that day what the railroad is to that of the present. The railroad when heavily burdened could not insure greater speed than the canal, while many believed that both in cost of construction and in operation the railroad would be totally unable to compete with the canal. Again it must be remembered that for twenty years steamboats had been a decided success, and it was but natural to think of steam as the motive-power for canal boats.<sup>4</sup> If

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<sup>1</sup> "Maryland Reports," 4 Gill and Johnson, 55.

<sup>2</sup> *Niles' Register*, XXXI, 169.

<sup>3</sup> See "Proceedings of the Convention of 1827." Also, current issues of *Niles' Register*.

<sup>4</sup> In 1830 the Chesapeake and Ohio Canal Company was experimenting with steam as a motive power for canal boats. MS. Letter of the Secretary, February 8, 1830.

that force were used the speed of the canal would be as great as that of the railroad, while the advantages of comfort and cheapness would be all on the side of the canal.<sup>1</sup> Who could then foresee the modern Pullman train of parlor, dining and sleeping coaches speeding across the continent in four days while the traveler enjoys most of the comforts of a well-appointed home? Yet Baltimore seemed to foresee enough of this to make her decide in favor of the railroad and against the canal. A memorial to the General Assembly then in session at Annapolis was followed almost immediately by an act approved February 27, 1827, incorporating the Baltimore and Ohio Railroad Company. In less than two months all of the stock of the company had been subscribed. On the twenty-third of April, 1827, the company organized with Mr. Philip E. Thomas as President, and the preliminary surveys were commenced without delay.

The route selected by the engineers and adopted by the stockholders at their first annual meeting, May, 1828, proceeded by way of the Patapsco river to Point of Rocks, and thence along the north shore of the Potomac river to Harper's Ferry. On the Fourth of July, 1828, the same day that the President of the United States broke ground at the Little Falls for the Chesapeake and Ohio Canal, the venerable Charles Carroll, of Carrollton, the only survivor of the signers of the Declaration of Independence, broke ground at Baltimore for the Baltimore and Ohio Railroad. Thus were inaugurated about the same hour and scarcely more than forty miles apart two works destined by their situation to decide for the world whether the transportation of the future was to be by canal or by railroad. But it was not to be expected that so important a question would be settled either amicably or quickly. A curious fate had brought into direct opposition, not only two distinct systems of transportation, but also several distinct and conflicting interests, both public and private. Under such conditions it was probably impossible from the first to settle the issue without litigation.

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<sup>1</sup> "Second Annual Report," 8.





## CHAPTER XI.

### IN THE COURTS.

On the tenth of June, 1828, the Chesapeake and Ohio Canal Company filed in the Circuit Court for Washington County, sitting as a court of chancery, a bill of complaint against the Baltimore and Ohio Railroad Company, and prayed an injunction to estop the said railroad company from locating its road between Point of Rocks and Harper's Ferry on land to which the canal company claimed prior rights.<sup>1</sup> At several points in the disputed section there was not space enough between the cliffs on the north shore and the channel of the Potomac river to accommodate both works. All these places the canal company claimed to have pre-empted by numerous surveys, but especially by the location and estimation of the canal by the United States Board of Internal Improvement in 1826, and again by the survey, location and estimation of Geddes and Roberts in 1827.<sup>2</sup>

In accordance, therefore, with the prayer of the complainants the court issued an injunction to prevent any further condemnation of land or location of the road by the railroad company. This bill the company did not answer, though that would apparently have led in a very short time to a settlement of the dispute. Instead of taking this simple way to get a decision of the question as to which of the

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<sup>1</sup> For a copy of this bill, see "Report of Albert and Kearney on Examination of the Chesapeake and Ohio Canal from Washington City to Point of Rocks," Washington, 1831, Appendix, 145.

<sup>2</sup> For a careful and accurate statement of the points involved in the question of priority, see the decision of the Court of Appeals of Maryland by Buchanan, C.J., in 4 Gill and Johnson, 52, *et seq.*

enterprises had the better right to construct its work in the narrow passes of the Potomac Valley, the railroad company proceeded to file three separate bills of complaint against the canal company, June 23, 24 and 25, 1828, in the Court of Chancery at Annapolis, thus causing two separate cases about the same question to depend at the same time in two quite distinct courts.<sup>1</sup>

With affairs in this condition and after considerable correspondence, the president of the canal company, with counsel, visited Baltimore in November, 1828, to arrange if possible for the immediate submission of the question at issue to the Chancellor, but the contending companies could reach no agreement and on the eighth of May, 1829, the canal company answered the bills in the Court of Chancery.<sup>2</sup> At the September session of the Court the canal company filed a motion to dissolve the injunction but the relief was not granted.

On the eighteenth of January, 1830, the court issued a decree for a new survey of the disputed passes, in order to see if the works might be constructed jointly and thus economize space.<sup>3</sup> Against this survey, involving as it did a loss of time ruinous to the interests of the canal, the company protested strongly but to no purpose. Accordingly each company employed skilled engineers and the joint survey began. By the time this was completed the case was ready for trial at the September term of the Court of Chancery. The result was a decree of perpetual injunction against the Chesapeake and Ohio Canal Company. The case was immediately taken to the Court of Appeals. There the decision of the lower court was reversed; the injunction against the railroad company was continued, and the right

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<sup>1</sup> "Second Annual Report," 9.

<sup>2</sup> Gill and Johnson, 62. See this answer and accompanying exhibits filed in the Land office at Annapolis, Md.

<sup>3</sup> Correspondence between the Chesapeake and Ohio Canal Company and the Baltimore and Ohio Railroad Company. Maryland Historical Society, copy, 27.

of the Chesapeake and Ohio Canal Company to the disputed passes fully affirmed.

It thus appears that the Chesapeake and Ohio Canal Company having overcome the greatest difficulties by dint of toil and patient waiting through many long years, was at last in a fair way to a speedy realization of hopes deferred, when progress beyond the Point of Rocks was suddenly cut off by the action of the railroad company within little more than a month after ground was broken. Four years were then to elapse before a right which had not before seemed questionable could be legally established in the face of the bitterest opposition. By 1832 the canal should have been completed to Cumberland. "We shall in the next year reach the mouth of the Shenandoah, in three years from the stroke which the President first struck for us, Cumberland," wrote Mr. Mercer in November, 1828.<sup>1</sup> But no such thing happened. Instead the next three years witnessed not only the controversy with the railroad company, but also a complete change of center of gravity in the financial support for the canal company. Just as the relative advantages of canal and railroad had been debated in Baltimore in 1827, so the same question was discussed in Congress early in 1830, with the result that all hope of further support from the Federal Government, at least for the time being, had to be abandoned by the canal company. It is true that Congress did not at this session aid either of the contending companies. It was rather determined to wait until experience should determine whether canal or railroad would best supply the necessities of the community.<sup>2</sup>

Meanwhile not only had the Federal Administration changed, but also the party controlling the popular branch of the national legislature. The "American System" had been pushed too far. With Jackson's election had come a

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<sup>1</sup> MS. Letter, November 18, 1828.

<sup>2</sup> Letter of Mr. Mercer to Mr. Andrew Stewart, of Pittsburg, May 14, 1830.

reaction. Jackson opposed the construction of internal improvements by the Federal Government, and since the whole project had been founded upon federal support the withdrawal of that support caused the original project of the Chesapeake and Ohio Canal to collapse.<sup>1</sup>

With the opposition of the railroad company came first delay, then disappointment and finally almost complete abandonment of the work till 1832.<sup>2</sup> By that time enthusiasm for the canal had somewhat cooled, improvements in the steam engine had demonstrated the superiority of the railroad, at least in many respects, and last, but not least, the canal company was bankrupt.

It seems, therefore, pretty evident that when the railroad company in 1828 had "deemed it expedient for both companies to reach the disputed ground and to regard both works as mere experiments until time should disclose their comparative advantages,"<sup>3</sup> the root of the whole matter was reached. It was indeed far less a question of title to a few acres of land on the north bank of the Potomac than it was a question in the problem of nineteenth century transportation. Should transportation adopt as its chief agent for the future the canal or the railroad? The Court of

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<sup>1</sup> "In the existing temper the Committee on Roads and Canals, I clearly perceive that any memorial which we might present would be unfavorably regarded; and I had too little reason to hope a more favorable result from the House while the present delusion prevails in favor of the railroad." Letter of Mr. Mercer to Mr. Andrew Stewart, of Pittsburg, May 14, 1830. The "delusion" still prevails.

<sup>2</sup> Letter of the president of the company, February 11, 1833. It is curious that the state which had, through the railroad enterprise, dealt the Chesapeake and Ohio Canal project its death-blow, should have been the only government that ever ventured again to touch the corpse. But it cannot be too strongly insisted that what Maryland resurrected in 1832 was not the original project, but something that the originators of the Chesapeake and Ohio Canal project would scarcely have recognized.

<sup>3</sup> "Second Annual Report," 8.

Appeals answered in favor of the canal, but that higher court of great natural and economic forces which must ever determine the direction of material progress has answered in favor of the railroad.

Nevertheless the Chesapeake and Ohio Canal survived and the history of that survival is a checkered and interesting tale.





## CHAPTER XII.

### THE STRUGGLE FOR EXISTENCE.

When in the spring of 1832 the canal company found itself legally free to prosecute the work of construction, another difficulty presented itself. Bankruptcy had supervened and before work could be resumed financial support would have to be obtained from some quarter. Everything possible had already been done to induce the Federal Government to continue the support which alone had brought the project to its present dimensions, but it was apparent that all hope of further aid from that quarter must be abandoned.

One glimmering hope remained—the self-interest of the state of Maryland. In the matter of subscription to stock Virginia had never measured up to the reasonable expectations of the company, but Maryland with her western counties to develop and her metropolis to foster had always manifested a lively interest in the subject of internal improvement. Therefore it was quite as natural as necessary for the canal company to appeal to the General Assembly of Maryland for liberal support in order that the work might be completed at least to Cumberland. Until that much should be accomplished the six hundred thousand dollars already invested by the state in the canal could produce no income whatever.

Maryland naturally hesitated to undertake single-handed the completion of the canal even to Cumberland, since that would mean the making of about one hundred and forty miles of canal on a scale devised by the Federal Government to meet national requirements and expecting the support of the national treasury. When, however, it became evident

that the Federal Government had definitely and finally deserted the work, Maryland began to look about for means to make her investment productive. With things in this situation the General Assembly of Maryland in the year 1834<sup>1</sup> passed an act authorizing a loan of two million dollars to the Chesapeake and Ohio Canal Company.<sup>2</sup>

Let it not be said that there were no financial returns. From August 15, 1828, to June 1, 1831, the income from all sources on account of the canal amounted to \$52,-048.95. Repairs and collections had cost in the same period \$15,138.85. This result would seem remarkable in view of the fact that no part of the canal was open to navigation till November, 1830, were it not remembered that tolls never ceased to be collected at the locks of the Potomac Company around the Great and the Little Falls. The canal company succeeded at the same time to the rights and the revenues of the older organization. Not only this but the twenty miles of navigation opened for a short time in the fall of 1830 and reopened in the spring of 1831 proved eminently satisfactory to the company, as may be gathered from the following quotation:

"The spectacle which has recently been presented of a single horse of moderate size and strength drawing five hundred and twelve barrels of flour in a heavy boat with apparent ease a distance of twenty-two miles through twenty-three locks in a single day, is calculated of itself to counter-vail the numerous theories of the utility of railroads."<sup>3</sup>

It soon became apparent to all that two million dollars would be totally inadequate to the completion of the canal to Cumberland and state support was again sought. "Wea-

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<sup>1</sup> "Laws of Maryland," 1834, chap. 241.

<sup>2</sup> This act was procured through the influence of an internal improvement convention held in Baltimore in December, 1834. See "Eighth Annual Report," 3. The estimate of this convention's memorial was that \$2,000,000 would be sufficient to complete the canal to Cumberland.

<sup>3</sup> "Third Annual Report," 32, 33.

ried with fruitless efforts to obtain the necessary funds from the United States and Virginia, finding the interest which Ohio and Pennsylvania formerly professed diverted to other and rival works, the only reliance of the company for prompt and efficient aid was upon the legislature of Maryland."<sup>1</sup> That aid was given by Maryland in the famous eight million dollar bill passed June 4, 1836. In accordance with the provisions of this act the canal company received three million dollars.

In spite of all this the summer of 1837 found the canal completed only to Dam No. 5, seven miles above Williamsport, and one hundred and seven miles from Georgetown. The next twenty-seven miles of the canal to Dam No. 6, Great Cacapon, were in progress, and the last fifty miles thence to Cumberland were under contract.<sup>2</sup> But the canal company's share of the eight million loan was issued in six per cent. bonds which proved unsalable in England and had to be converted by another legislature into five per cent. bonds. Add to this the difficulties caused by the suspension of specie payments and the panic of 1837, and there need be no surprise that the canal company was again begging the General Assembly for a further subscription to its stock. Such a subscription the session of 1838<sup>3</sup> granted to the amount of one million three hundred and seventy-five thousand dollars.

Among other difficulties with which the company had to reckon were the riots which occasionally broke out among the laborers on the canal. A fight between a company of Irishmen engaged on the line of the canal at Oldtown and a body of their countrymen at work on the tunnel near by, resulted in the destruction of considerable private property and was only quelled by the intervention of military force. The ring leaders were arrested and taken to Cumberland

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<sup>1</sup> "Special Committee Report," July 18, 1836, 4.

<sup>2</sup> "Ninth Annual Report," 3.      <sup>3</sup> Chap. 396.

for trial while others less guilty were dismissed from the works.<sup>1</sup>

The eleventh annual report of June 3, 1839, remarks with evident satisfaction that the receipts of tolls for the last twelve months had amounted to \$42,835.80, an increase of over twelve thousand dollars. It was then expected that the canal would be completed to Cumberland in two years,<sup>2</sup> but at the end of that time the water-way reached no further than Dam No. 6, fifty miles below Cumberland.

By 1841 the company was again in need of aid and Maryland was herself practically bankrupt. Thus matters stood till 1844, the company's receipts being meanwhile less than its expenses. On the tenth of March was passed the famous "Act of 1844" waiving Maryland's several liens on the property and revenues of the canal and giving the company power to issue preferred bonds to the amount of one million seven hundred thousand dollars. As security for these bonds the holders received from the canal company a mortgage dated on the fifth of June, 1848. It was with the money raised on these bonds that the canal was at last completed to Cumberland, October, 1850.<sup>3</sup>

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<sup>1</sup> "Tenth Annual Report," 12.

<sup>2</sup> "Eleventh Annual Report," 7.

<sup>3</sup> For a less summary review of the period treated in this chapter, see "Twenty-second Annual Report," which is accompanied by an outline history.



## CONCLUSION.

When the canal was completed to Cumberland its great rival, the Baltimore and Ohio Railroad, was reaching out almost to the Ohio river at Wheeling. Thus the trade from the Coal Banks which had been the chief hope of the canal company, had already been more conveniently provided for by the railroad, because the coal was some twenty or thirty miles west of Cumberland and the terminus of the canal, while the railroad fairly penetrated the coal region. After a short experience the railroad found it possible to fix the rates so as to draw the coal to itself in such quantities that the revenue of the canal was little above its running expenses. No interest was paid on the "bonds of 1844" after July, 1864.<sup>1</sup>

Nevertheless interest in the "Old Ditch," as the canal came to be called, never completely died out, and about 1870 occurred a most curious instance of history repeating itself. The Federal Government revived the original project of 1823-24. The matter was put again in the hands of the United States Board of Internal Improvement for new surveys with a view to extending the canal westward from Cumberland to Pittsburg.<sup>2</sup> But the whole matter ended where it began, in minutely detailed estimates of cost and voluminous reports.

In 1877 the works of the canal were almost ruined by a freshet. The company found itself unable to repair the damages. The General Assembly, therefore, once more came to the rescue. At the session of 1878 an act was

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<sup>1</sup> "73 Maryland Reports," 582.

<sup>2</sup> See "Annual Report upon the Improvement of the Ohio," etc. Washington, 1874. Also same for 1876.

passed again waiving the state's liens and authorizing the company to issue preferred bonds to the amount of five hundred thousand dollars. The necessary repairs were effected, but still the canal could scarcely be made to pay operating expenses. Thus matters stood when the freshet of 1889 completely wrecked the canal.

The company could do nothing to put the canal in repair, and the trustees of the bondholders under the act of 1844, therefore, filed in the Circuit Court for Washington County, sitting as a Court of Equity, a bill of complaint against the canal company and asked that receivers be appointed to operate the canal, December 31, 1889.<sup>1</sup>

January 15, 1890, the trustees under the act of 1878 also filed a bill against the canal company asking that receivers be appointed and that the canal be sold.

January 16, 1890, the trustees of the bondholders under the act of 1844 filed a second bill, not only against the canal company, but also against the trustees under the act of 1878.

January 29, 1890, the trustees under the act of 1878 filed their answer to this bill. January 31, 1890, the Chesapeake and Ohio Canal Company filed its answer to the same bill. On the same day the state of Maryland was admitted as a party defendant.

As a result of all these proceedings the court issued a decree March 3, 1890, appointing Robert Bridges, Richard Johnson and Joseph D. Baker receivers for the purpose of ascertaining by actual examination and estimate the condition of the canal, cost of repair, and prospects of profitable operation if repaired. The receivers reported the condition of the work in detail and were of opinion that profitable operation would be out of the question.

The court then decided to issue a decree for the sale of the canal, but before this actually came to pass the trustees

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<sup>1</sup> For fuller details of these legal proceedings, see "73 Maryland Reports," 488-516, and 567-618.

under the act of 1844 asked to be subrogated to the rights of the bondholders under the act of 1878 on condition of redeeming and bringing into court the bonds of 1878. To this arrangement the state of Maryland strenuously objected. Nevertheless the decree issued by the court October 2, 1890, providing for the sale of the canal provided also that the sale should be estopped on condition that the trustees under the act of 1844 should, within sixty days from October 2, 1890, bring into court the bonds of 1878, put the canal in repair by May 1, 1891, and agree to operate it as a public water-way, open an office in Hagerstown where books showing in detail all business of the canal should be kept accessible to the court, and finally, if after four years from May 1, 1891, the revenues should not equal or exceed the expenses that the original decree for a sale should become operative, "unless the time be extended by the court for good and sufficient cause shown."

From this decree an appeal was taken, but the lower court was sustained, February 20, 1891, by the Court of Appeals of Maryland. Accordingly the trustees under the act of 1844 assumed control. At the expiration of four years the time was extended and the canal continues to be operated in the same manner to the present time.

An act was passed by the General Assembly of Maryland in 1892 authorizing the sale of the state's interest in the Chesapeake and Ohio Canal, but the matter was deferred from time to time. In 1899 several bids of a rather favorable character were received and there is some ground for expecting the sale to be effected at an early date.

For about a century and a half efforts have been put forth to secure communication by water between tide-water in the Potomac and the head of navigation on the Ohio. Such persistence deserved better results. Such heroic performances, even though attended almost uniformly with disaster, are unquestionably worthy of record upon the fair page of history.



PUBLIC EDUCATIONAL WORK  
IN BALTIMORE





SERIES XVII

NO. 12

JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE  
HERBERT B. ADAMS, Editor

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History is Past Politics, and Politics are Present History.—FREEMAN.

Education of the people is the first duty of democracy.—JULES SIEGFRIED.

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PUBLIC EDUCATIONAL WORK  
IN BALTIMORE

BY  
HERBERT B. ADAMS

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# PUBLIC EDUCATIONAL WORK IN BALTIMORE.

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## I.

### JOHNS HOPKINS UNIVERSITY

The Johns Hopkins University, from its very beginning in 1876, has offered continuous and systematic courses of public lectures, often as many as twenty in a course and with a printed syllabus or bibliography, to Baltimore audiences ranging from 200 to 700 hearers. Without employing any characteristic name for its missionary or extension work at home or abroad, the institution has been actively engaged for nearly twenty-five years in widening its usefulness. The system of public lectures, comprising a great variety of subjects and methods of treatment, has been continued with increasing success down to the present time. Class courses have been provided for school teachers; special courses for special students, for lawyers, physicians, clergymen, bankers, business men, and practical workers in city charities. Public readings have been given in Homer, Dante, Chaucer, and Shakespeare. Lectures on poetry, art, and archæology, and many other courses of public instruction, sometimes with a text-book and a list of good authorities, have been welcomed by the people in Baltimore.

Seminary exercises or conferences in American history for the joint benefit of young lawyers from the city and Hopkins students, were begun in the library of the Maryland Historical Society in 1876, and were continued in a class-room at the Peabody Institute in 1881. Extended courses of public lectures were given under university auspices at the Peabody Institute by Edmund Gosse and

Professor Corson in 1885, by Professor Lanciani in 1887, and Professor Andrew D. White in 1888. In connection with his lectures on the French Revolution, a printed syllabus was used. Class courses in natural science with elaborate experiments were early conducted at the Peabody Institute by individual Hopkins professors for classes of young ladies from Baltimore private schools.

In the fall of 1879, through the exertions of the Rev. J. Wynne Jones, of East Baltimore, was organized the Workingmen's Institute of Canton, an industrial district with a busy population of four or five thousand laborers, employed in iron works, copper works, oyster packing, etc. Mr. Jones had been impressed with the story of Dr. Channing's lectures to workingmen (1838-40) and with the good example of the Workingmen's College in London (1854). The president of that institution, the Hon. Thomas Hughes (author of *Tom Brown at Rugby*), wrote Mr. Jones an encouraging letter concerning his project.

From the outset the co-operation of members of the Johns Hopkins University was assured. At one of the earliest meetings Mr. Jones said he hoped the Institute "would be the beginning, as it were, of an intellectual solar system, having the Johns Hopkins University as the central light and source of learning. Here was the first little satellite, and others should be formed until there was a perfect ring of them in the 'Belt' district, and each one could communicate light to others. He was sure the professors of the University would do all they could in aid of the Institute, for he had found them most warm and friendly in its interest."

A committee representing the different industries of Canton was appointed to call upon President Gilman and invite him to deliver the opening lecture. This was promptly done. Through the efficient co-operation of Mr. N. Murray, of the Johns Hopkins Press, who became the secretary of the Institute, a course of twelve "Lectures for the People" was arranged for the winter season of 1879-80.

In the opening lecture President Gilman explained the character of the proposed course and suggested possible lines of development for the Institute: (1) lectures, relieved by stereopticon illustrations and good music; (2) a local reading-room with periodicals and illustrated journals; (3) a circulating library; (4) supplementary evening classes, with lessons in drawing and the keeping of accounts, in economy, co-operation, and the principles of business. He suggested also the cultivation of flowers indoors, in yards, and windows, as adding much to the pleasures of city life, with occasional exhibitions to stimulate rivalry. He expressed the belief that four or five such institutes as that at Canton might thrive in Baltimore. Many of these good suggestions have since been carried out.

Among other university lectures at Canton from 1879 to 1881 were Professor H. N. Martin on "Some Uses of Plants"; Professor Remsen on (1) "The Air We Breathe," and (2) "The Light We Use"; and Dr. W. W. Jacques, now electrician of the Bell Telephone Company, on "Electricity," illustrated by experiments. Literary as well as scientific lectures were given. Professor J. J. Sylvester, one of the original lecturers in the Workingmen's College at London and after his academic connection with Baltimore, professor of mathematics at Oxford, read some of his metrical translations from Schiller. Professor Albert S. Cook, now of Yale University, lectured in Canton on the "Life and Writings of Shakespeare"; and the present writer gave an illustrated talk on "Venice and the Beginnings of Modern Commerce." Dr. Samuel F. Clarke, now of Williams College, illustrated the physical geography and political history of the United States by beautiful maps and charts. Mr. C. L. Woodworth, the first teacher of elocution at the University, delighted his audience by dramatic and humorous readings. Vocal and instrumental concerts were occasionally given by the best available talent in the city. A local reading-room was opened at Canton and flourished for some years in connection with a circulating library.

The institution of a local branch of the Pratt Library in Canton somewhat overshadowed the Institute library; but with increased facilities for readers, there is now a better chance than ever for good class-work among the working-men of East Baltimore.

The lecture courses at the Workingmen's Institute in Canton, in East Baltimore, led directly to another interesting pioneer experiment. In 1882, a course of four lectures on Biology was given by instructors in the Biological Department of the University to the employees of the Baltimore and Ohio Railroad and to their wives and daughters. This course was supported by the late John W. Garrett, President of the Baltimore and Ohio Railroad, who paid the necessary expenses and published, for free distribution among his employees, the four lectures given by the four instructors, in a neat pamphlet of 98 pages with illustrations (Baltimore, Friedenwald, 1882). The subjects of the lectures were as follows: (1) "How Skulls and Backbones are Built," by Professor H. Newell Martin; (2) "How We Move," by Dr. Henry Sewell; (3) "On Fermentation," by Dr. William T. Sedgwick; (4) "Some Curious Kinds of Animal Locomotion," by Dr. William K. Brooks.

All the above work was in one sense University Extension, but it was never called by that name. M. Jourdain, in Molière's comedy *Le Bourgeois Gentilhomme*, after taking a private lesson, found to his surprise that he had been talking prose all his life. American colleges and universities have all been engaged in popular educational extension, sometimes without knowing it.

The first conscious attempts to introduce English University Extension methods into this country were made in 1887, by individuals connected with the Johns Hopkins University.

About the time when various experiments were being tried by Dr. E. W. Bemis, a Hopkins graduate, in Buffalo, Canton and St. Louis, other individual members of Johns Hopkins University were attempting to introduce Univer-

sity Extension methods in connection with local lectures in the city of Baltimore. The first practical beginning was made with a class of young people who met once in two weeks, throughout the winter of 1887-88, in the reading-room of a beautiful modern church close by the Woman's College. After an introductory talk upon "University Extension" by a Hopkins instructor, the class was intrusted to a graduate student, Mr. Charles M. Andrews, now professor of history in Bryn Mawr College, who gave a series of instructive lectures, accompanied by class exercises, upon "The History of the Nineteenth Century," with Mackenzie for a text-book on that subject. A working library of standard authorities was collected by the joint efforts of the leader, the class, and the Rev. John F. Goucher, then pastor of the church. To the hearty and generous co-operation of this gentleman, now the president of the Woman's College of Baltimore, the success of this initial experiment, and indeed of several others, is chiefly due.

Following the young people's course, the like of which is entirely practicable in any church society with a college man for class-leader, came a co-operative and peripatetic course of twelve lectures for workingmen on "The Progress of Labor," by twelve different men from the historical department of the Johns Hopkins University. These twelve apostles of extension methods swung around a circuit of three different industrial neighborhoods in Baltimore, each man repeating his own lecture to three different audiences. The subjects were as follows: (1) "The Educational Movement among Workingmen in England and America," by Dr. H. B. Adams, of Baltimore; (2) "What Workingmen in America Need," by C. M. Andrews, of Connecticut; (3) "Socialism, its Strength and Weakness," by E. P. Smith, of Massachusetts; (4) "Chinese Labor and Immigration," by F. W. Blackmar, of California; (5) "Labor in Japan," by T. K. Iyenaga; (6) "Slave Labor in Ancient Greece," by W. P. Trent, of Virginia; (7) "Labor



in the Middle Ages," by J. M. Vincent, of Ohio; (8) "Mediæval Guilds," by E. L. Stevenson, of Indiana; (9) "Labor and Manufactures in the United States One Hundred Years Ago," by Dr. J. F. Jameson, then of Baltimore; (10) "Industrial Progress in Modern Times," by H. B. Gardner, of Rhode Island; (11) "Industrial Education," by P. W. Ayres, of Illinois; (12) "Scientific Charity and Organized Self-help," by A. G. Warner, of Nebraska, then General Agent of the Charity Organization Society of Baltimore.

Every lecture was accompanied by a printed syllabus in the hands of the audience, and was followed by an oral examination and a class discussion. Every man lectured without other notes than those contained in his outline of topics. The courses were organized upon a business basis and not upon the theory of giving something for nothing. This co-operative experiment in University Extension work was, however, only moderately successful. Probably it was more useful to the lecturers than to their hearers. It is the conviction of the writer that it is mistaken zeal for university men to attempt to lecture to workingmen as such, or indeed to any "class of people." University Extension should be for citizens without regard to their occupation.

The most successful educational experiments by Johns Hopkins men have been in connection with Teachers' Associations and Young Men's Christian Associations in Baltimore and Washington. Under such auspices co-operative and class courses in American history and economic and social science, with printed syllabuses, have been given before audiences varying from 150 to 1000 appreciative hearers. Chautauqua circles in Baltimore have also been found intelligent and responsive to student lectures. Under the direction of Hopkins men a three years' graduate course of study in English history was successfully carried on by more than one thousand students, who had already finished the four years of required study in the Chautauqua

Literary and Scientific Circles. A very elaborate syllabus, based on Green's "History of England" and select volumes of the "Epoch Series," was the means of guiding this interesting work once in progress in all parts of the country. In connection with the Chautauqua College of Liberal Arts more detailed courses in ancient and modern history were conducted in the same way, with monthly written examinations, the papers being in most cases set and read by Hopkins graduates, working under direction after the method of Professor W. R. Harper, formerly of Yale University, now president of the university at Chicago, who was long the recognized leader in the higher educational work of Chautauqua.

## II.

### PUBLIC SCHOOL TEACHERS' ASSOCIATION OF BALTIMORE

In a quiet and unobtrusive way, beginning in 1890, the public school teachers of Baltimore worked out a good system of higher popular education for themselves and their friends. The Association enrolled as many as 1500. Of this number from 300 to 400 took an active interest in Association work and in their own intellectual improvement. Association work began with short courses of five lectures, given by professional educators from Baltimore and Washington, in the Concert Room of the Academy of Music. Several of the Johns Hopkins faculty, including President Gilman and Professors Elliott, Remsen, and Adams contributed to these public courses. The subject of the Higher Education of the People in England and America was presented by H. B. Adams, March 7, 1890, with a printed syllabus showing all the features of the University Extension movement.

In 1891, the first special courses of class lectures or lessons were organized. In that year was given the first class course of ten lessons in Baltimore on Kindergarten Methods by Miss Susan P. Pollock. Similar class courses were given in Botany, in Chaucer, and in Physical Training. In 1892, class courses of twenty-four lessons were organized under competent direction in Latin for beginners, in Vocal Culture, and in Arithmetic. A general course of illustrated lectures was also given on Literature, Travel, and Science. In 1893, the class work was still further developed, and the general course was made more attractive. The following year, special courses of ten lec-

tures each, with a printed syllabus for each lecture, were given on German Literature by Professor Learned, and on American Literature by Mrs. M. A. Newell.

Special credit for the organization of all of these courses of public instruction is due to Mr. Basil Sollers, himself a teacher, and a man of excellent scientific and historical attainments. He is the author of the chapter on Academies and Secondary Education in the U. S. Government Report on the History of Education in Maryland. In 1894-95, Mr. Sollers and other members of the committee of arrangement, advertised an excellent lecture course, to be given in the new Music Hall. Among the attractions were Locke Richardson; Dr. Horace Howard Furness, the Shakespearean scholar; Professor H. S. Clark, of the University of Chicago, who represents the New Elocution and the Art of Expression; Professor Garrett P. Serviss, of the Brooklyn Institute, who lectured on Astronomy; Mrs. French Sheldon, a grand-niece of Sir Isaac Newton and a Fellow of the Royal Geographical Society of London. These and several other good lecturers addressed the Teachers' Association on Friday or Saturday evenings beginning in January and continuing until the course was ended. A ticket for the entire series of ten lectures cost only fifty cents, or, with a reserved seat, \$1. This charge was at the rate of five or ten cents per lecture. As for many years at the Peabody Institute, a premium was put upon a course ticket, but a single admission cost twenty-five cents. Over 3000 course tickets were sold. The success of the experiment in Music Hall was phenomenal.

In 1896, the Teachers' Association, in addition to the above general course, made an improvement upon the ordinary system of popular instruction. It introduced so-called "Lesson Courses," that is to say, systematic class work upon specific themes, which was continued throughout a term of several weeks. For example, Dr. Learned, of the Johns Hopkins University, lectured to a class of teachers on German Literature every Monday

afternoon. Professor Maupin conducted classes in Beginners' Latin, Intermediate Latin (Cæsar), and Advanced Latin (Virgil), respectively on Mondays, Tuesdays, and Thursdays at 4.30 p. m. He had altogether 125 pupils in Latin. Professor Copinger taught beginners in French and advanced students in French on Mondays and Wednesdays with altogether 35 pupils. Professor Schwier had a class of 17 in German on Fridays. Miss McCauley had a class of 40 in Shakespeare on Wednesdays; Mr. Arthur, a class in Algebra on Fridays; Mr. Sollers, a class in Botany on Thursdays; and Miss Haughwout, a class in Physical and Vocal Culture on the same day. Besides these regular classes there was instruction in Kindergarten Work on Tuesdays by Miss Beatty. All of these classes were held in the rooms of the Western Female High School at 4.30 p. m. It is not possible for busy teachers to undertake very much extra work; the limitations of time and place compel them to elect something specific. Not more than two or three hours of class work were elected by individual teachers. Altogether about 400 were enrolled in class courses. The cost of 24 lessons was \$2.50. The charge for ten lectures was \$1.

The above programme of "Lesson Courses" for busy school teachers was one of the best educational projects developed in Baltimore after the excellent class courses which once flourished at the Peabody Institute.<sup>1</sup> Such work is still maintained.

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<sup>1</sup> See H. B. Adams' Memorial of Dr. N. H. Morison.



### III.

## TEACHERS' LECTURES AT THE JOHNS HOPKINS UNIVERSITY, 1898-99

Lectures for teachers are not an altogether new feature of public instruction at the Johns Hopkins University. At various times educational talks have been given by invited lecturers; for example, Dr. William T. Harris, of the Bureau of Education, and Dr. James MacAlister, of the Drexel Institute, Philadelphia. Public school teachers and kindergarten teachers were admitted to these Saturday morning courses. In the early years of the University, 1877-78, laboratory courses, especially in Biology, were organized for the special benefit of those Baltimore teachers<sup>1</sup> who were prepared to profit by such facilities.

Since its opening in 1876, the University has maintained free courses of instruction by lectures which have been attended from year to year by thousands of Maryland citizens, men and women, many of them professional educators and teachers in the public or private schools. Local lectures have been given by Hopkins men in the Peabody Institute, in city churches, at the Young Men's Christian Association in its various branches, and also in various schools and colleges throughout the State. For many years there has been in Baltimore an organized Teachers' Association, before which occasional lectures were given by Hopkins men. Teachers' Associations and Institutes, representing Baltimore County and other regions, have also invited University men to speak upon educational subjects.

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<sup>1</sup> See account of Professor Martin's educational work with Baltimore teachers in the third and fourth annual reports of the Johns Hopkins University.

In the spring of 1898 there was an urgent request for lectures especially adapted to the needs of Baltimore teachers, and the Johns Hopkins University offered for the winter season of 1898-99, two class courses of instruction:

(1) An Historical Series of 20 lectures, (1) on Education, and (2) on England and America.

(2) A Scientific Series of 20 lectures on (1) Physical Geography and (2) Geology.

The Historical Course began on Friday evening, November 4, 1898, at 8 o'clock, in McCoy Hall, and continued on successive Fridays (holidays excepted) until April 14, 1899.

The Scientific Course began on Saturday, November 5, at 9.30 a. m. in McCoy Hall, and continued at the same hour on successive Saturdays until the course was completed, April 15.

The Historical Series began with a course of 10 lectures on the Education of the People. The course was introduced by Mr. J. W. Martin, of the People's Palace, who gave an instructive talk on "Educational Work in London," with pictorial illustrations of various polytechnic institutes, evening continuation schools, board schools, public baths, etc.

The course was continued by Professor H. B. Adams with a series of special lectures on the following subjects: (1) A Summer Meeting of Teachers at Chester, England; (2) University Extension and the Cambridge Summer Meeting; (3) Summer Meetings for Teachers in Edinburgh and Paris; (4) Educational Movements in Modern France; (5) Public Education in Germany; (6) Public Education in England; (7) Mediæval Schools and Universities; (8) Classical Education; (9) Hebrew Education; (10) Chinese and Japanese Education.

Instead of beginning with education in antiquity or in the far-off Orient, Dr. Adams deliberately planned to work backward from the standpoint of present interest in adult education in certain modern educational movements. The first three lectures of his course have since been published

as Chapter II of the Report of the Commissioner of Education, Volume II, 1898. Each lecture of the entire series was accompanied with a printed outline of references of good books with questions requiring written answers.

Following the educational course came a more strictly historical series beginning with two instructive lectures on (1) English Country Life in the Middle Ages and (2) English Towns in the Middle Ages, by Dr. William Cunningham, of Trinity College, Cambridge. He was followed by Albert H. Smyth, Professor of English, Central High School, Philadelphia, who gave a graphic description of the Land of Shakespeare, based on personal observations and summer residence at Stratford-on-Avon for several seasons. Then followed a series of four lectures by Dr. Guy Carleton Lee, of the Johns Hopkins University, on the English Beginnings of American Institutions, with the following special themes: (1) First English Settlement in America; (2) English and Colonial Churches; (3) English Law and Government; (4) Conflict of England and France in America. Dr. Bernard C. Steiner, also of the Johns Hopkins University, gave four lectures on American History with special reference to (1) American Geography; (2) Causes of the American Revolution; (3) Adoption of the Federal Constitution; (4) the War of 1812. Toward the end of the course a very practical and suggestive lecture on "Learning to Teach" was given by Dr. S. E. Forman, a graduate of the Historical Department of the University, now Director of the Teachers' Institutes of the State of Maryland.

In addition to these lectures, which formed part of the regular Historico-Educational course, the following special courses were offered, without extra charge, to the public school teachers holding tickets to the Historical Section: (1) Eight lectures, in January and February, by Dr. James Schouler, on "The Industrial History of the United States"; (2) Five lectures on "The Diplomatic Relations of the United States and Spanish-America" (reported in

the University Circulars for March, 1899, p. 38), by Dr. John H. Latané, Professor of History in Randolph-Macon Woman's College, and "Albert Shaw Lecturer" in this University for 1899. These two special courses were given respectively in the Donovan Room and McCoy Hall on alternate days at 5 p. m. The attendance, although gratifying, showed that the 5 o'clock hour is not so convenient for public school teachers as an evening appointment at 8 o'clock.

A striking feature of the experiment was the large and regular attendance. There were in each course two grades of hearers: (1) Members of the "Class," who paid each a fee of \$5, and who did a certain amount of required reading and class work; and (2) simply attendants on lectures, who paid an admission fee of \$3. Of the first grade, or regular members, there were in the Historical Course 117; in the Scientific Course 111. Of the second grade there were 191 attendants on the historical lectures, and 115 attendants on the scientific lectures. The total number of hearers in Science was 226; the total in History, 308. Records of attendance were kept from week to week for the classes only. In spite of continued cold and inclement weather, the regular members of classes were almost invariably present. Every Friday night, at 8 o'clock, in McCoy Hall, and every Saturday morning, at 9.30, a large and attentive audience greeted the lecturer.

A special feature of the historical course was the written exercise required from week to week, in answer to printed or set questions connected with the previous lecture. These exercises involved not merely an understanding of the lecture, but, in some cases, a considerable amount of private reading. The questions, few in number, led to original inquiries in the Peabody and Pratt Libraries and to the exercise of independent judgment. The answers, which sometimes amounted to a series of short essays on assigned themes, were always carefully scrutinized by the lecturer or his assistants, and were returned to the writers with the



needed corrections or suggestions. The papers were marked in the same general or descriptive way as that now in vogue in the collegiate departments of the University, and the results from week to week showed that by far the greater number were ranked above the grade called "good." From time to time the names of the five leading members of the Historico-Educational class were publicly mentioned by the lecturer. To encourage the best students, a prize was offered at the beginning of the above course.

Another feature of the Teachers' Lectures was the illustration of the subject-matter by lantern views. Instead of subordinating the lecture to mere sight-seeing or evening entertainment, the illustrations were usually given *after* the lecture and were always contributory to it. About 50 minutes were allowed for the lecture and note-taking, with about 20 for the slides, which furnished an instructive and pleasing variation of the lecture theme. These object lessons were in all cases carefully selected by the lecturer and served a really pedagogical purpose.

A third feature of the Historico-Educational course was the systematic publication of select bibliographies of good books on the themes suggested by the lecture outlines, which were printed and taken home by the teachers from week to week, with the printed questions and topics for home study. This naturally led to considerable use of the library resources of Baltimore and to the practical discovery that the available literature on educational history is somewhat inadequate. There is manifest need of a good working library in this city for the investigation and promotion of educational interests, primary, secondary, and higher. Many complaints were made by Baltimore teachers regarding the impossibility of obtaining access to the books recommended in the select bibliographies.

A fourth and very noteworthy feature of the Teachers' Lectures was the public interest in them shown by the teachers themselves, by university students, the public, the press, the Superintendent and Commissioners of the Public



Schools of Baltimore, many of whom were present from time to time. Earnest requests have been made for the continuation and further development of these courses of public instruction, which tend to promote mutual sympathy and understanding between the University and the City, and also between teachers, public, private, and academic. As a profession, the teaching class is really one in spirit and, in Baltimore at the present time, all should unite in promoting the common cause of education.

In connection with the regular Historico-Educational Course, one of two recommended text-books was required, either Compayré's "History of Pedagogy" or Painter's "History of Education." This private reading, together with the substance of the educational lectures constituted the basis of the written examination at the end of the course. In addition to this work, and the various written exercises, a more elaborate essay was required upon some special subject suggested by the lectures, either historical or educational. Prizes in books were offered for the best essays. A simple certificate was prepared, on the Oxford model, for those members of the class whose final examination, required essay, written exercises, and attendance were pronounced satisfactory by the examiner.

The following account of the Scientific Course was written by Dr. George B. Shattuck, the lecturer and examiner in that course:

The teachers attending the Scientific Course concentrated their attention on studies in Geology and Physical Geography. In this course four lines of instruction were followed. These were first, the lectures; second, essay writing; third, the journal club; and fourth, field excursions.

The lectures were delivered on Saturday mornings at 9.30, in McCoy Hall, and were scheduled so as to cover systematically a large range of topics in Dynamical, Physiographical and Historical Geology and Physical Geography. The following is a synopsis of the lecture course: November 5, The Atmosphere; 12, Rain; 19, Rivers in

General; December 3, Classification of Rivers; 10, The Life History of Niagara and the Development of the Great Lakes; 17, Lakes; January 7, Ice in General; 14, Glaciers; 21, Geological Work of Organisms; 28, Oceans; February 4, Volcanoes; 11, Mountains and Continents; 18, Geographic Distribution of Organisms; 25, Paleontology; March 4, Precambrian Time; 11, Cambrian and Silurian Time; 18, Devonian, Carboniferous and Permian Time; 25, Mesozoic Time; April 8, Tertiary Time; 15, Quaternary Time. The subject-matter of these lectures was treated so as to convey a comprehensive idea of the various forces at work on the earth's surface and within its mass, as well as to give a broad outlook over the history of the earth as a whole.

From time to time essays were assigned, on special topics discussed in the lectures, in order that the instructor could follow more carefully the progress of those participating in this exercise. These essays were carefully examined in detail and corrections and suggestions made wherever necessary.

References and bibliographies, which had been printed and circulated, both aided the teachers in preparing their essays and served as a guide for those who desired to read some of the leading works on geology and geography.

The journal club was held Tuesday afternoons throughout the months of December, January, February and March. The teachers who took part in this exercise reviewed papers on geological and geographical subjects published in the various scientific periodicals. During the four winter months a large number of books and papers were reviewed and discussed in the club and the desire of keeping abreast of the current literature was thus cultivated.

Numerous geological excursions, into the region about Baltimore, were planned and began as soon as the weather permitted. The object of these excursions was to point out in the field many of the phenomena which were discussed in the lectures. Explanations were given in the field. Teachers provided themselves with hammers and

notebooks in order to collect specimens and record observations. Many of the teachers were in this way placed in a position to conduct small excursions of school children into the country on pleasant holiday afternoons and point out to them the meaning of the objects with which everyday contact has made them familiar.

A longer excursion was projected to Niagara Falls. This outing took the form of a scientific expedition and many points of interest other than Niagara were visited.

Professor William B. Clark exercised general direction over the course, while the instruction was given by Dr. George B. Shattuck. Mr. Bailey Willis, of the United States Geological Survey, delivered a most instructive lecture on "Mountains and Continents."

FINAL EXAMINATION OF TEACHERS IN THE HISTORICO-  
EDUCATIONAL COURSE, APRIL 15, 1899.

TIME 2 HOURS

1. Influence of Early Christian Teaching on Education.
2. How did the Mediæval Church and Cloister teach the People?
3. Significance of the Revival of Greek.
4. Briefly characterize German Educational Reform in the 16th Century.
5. Mention some of the Leaders of French Education in the 17th Century.
6. Of what use were the Theorists of the 18th Century?
7. Popular Educational Progress in the 19th Century.

LIST OF SUBJECTS CHOSEN FOR ESSAYS BY BALTIMORE  
TEACHERS

1. Thomas Arnold and his Influence as an Educator.
2. Schools of Athens before the Christian Era.
3. Sketch of the University of Cambridge.
4. Charles the Great and his Patronage of Education.
5. John Amos Comenius.

6. Comenius and Pestalozzi. (5)
7. Egypt and Greece before Christ.
8. Ancient Egyptian Civilization.
9. Classical Education.
10. Evolution of Education in the United States.
11. Mediæval Education.
12. Rise of the New Education.
13. Civil Liberty and Popular Education.
14. Popular Education in Maryland.
15. Growth of the Modern Idea in Education.
16. Beginnings and Growth of Popular Education in the U. S. (3)
17. Progress of Education in England.
18. A Sketch of the Progress of Education.
19. Educational History of the U. S.
20. Educational Ideals of the Ages.
21. Educational Moldings.
22. The French Academy.
23. Life and Teachings of Froebel.
24. Culture in Ancient Greece.
25. Hebrew Education and its Influence on Modern Culture.
26. Old and New Ideals.
27. Influence of Education on the Indian.
28. Relations of the English and French to the Indians of America.
29. Education in Japan.
30. The Jesuits as Educators.
31. Education among the Ancient Jews.
32. Condition of the Jews in the Middle Ages.
33. Early Education of the Jews and its Influence upon Civilization.
34. Massachusetts and Virginia—Harvard and William and Mary.
35. French Monastic and Church Schools in the Middle Ages.
36. Monastic and Church Schools in the Middle Ages. (2)

37. The Northmen and Normans.
38. Oxford and Cambridge.
39. Summary of the History of Pedagogy.
40. Pestalozzi. (3)
41. Port Royalists.
42. Regeneration of Prussia.
43. Some Beginnings of the Renaissance.
44. The Hotel de Rambouillet and the Salons of the Old Régime. (4)
45. Saracenic Contributions to Civilization.
46. Early English Schools and Scholars. (2)
47. The Evolution of a State.
48. Stein and the Regeneration of Prussia.
49. English Universities. (2)
50. German Universities.
51. The Utility of Universities.
52. Development of Constitutional Liberty in Virginia.
53. Higher Education of European and American Women.
54. Influence of Women in the English Reformation.
55. Higher Education of Women.
56. Higher Education of Women in England.

#### PRIZE WINNERS IN THE HISTORICAL-EDUCATIONAL COURSE

Each person received five carefully chosen books, combining educational, historical, literary, biographical, patriotic or romantic interests. The award was made upon the basis of the written essay, the weekly written exercise, regular attendance, and final examination. The winners were all of the same rank and are arranged in alphabetical order:

Augusta F. Ditty,	Maud Hazeltine,
Jessie J. Fitzgerald,	Mary R. Le Compte Hess,
Jacob Grape,	Harriet L. Hopkins,
Barbara Schunck.	



LIST OF TEACHERS RECEIVING CERTIFICATES IN THE  
EDUCATIONAL-HISTORICAL COURSE

All of these candidates wrote special essays and passed the final examination. From all were required weekly exercises. Some were more regular than others in attendance. At least 12 stood very near the honor list:

Edward S. Addison,	Mary E. W. King,
L. Elizabeth Andrew,	M. Josephine Krager,
Fannie Ash,	Irene Leonard,
M. I. Barney,	Annie C. Meushaw,
Flora Becker,	Eula R. Pollard,
Jessie S. Bell,	Mary M. Quinn,
John S. Black,	Alberta F. Reid,
Jennie G. Borrell,	Carrie Rodgers,
Amicie M. Brun,	Blanche Rosenthal,
Mary Bunworth,	Lavinia Schleisner,
Agnes G. Carlisle,	Anna C. Schloegel,
Helen G. Chowning,	Anna Schmidt,
Agnes V. Corcoran,	Barbara Schunck,
Elizabeth Crummer,	M. Alice Smith,
Gerriet Dewers,	Lilian M. Skinner,
Celesta L. Diggs,	Lydia E. Spence,
Augusta F. Ditty,	Guy Spencer,
Mary Graham Duff,	Marshall Stitely,
Isabel P. Evans,	Carrie M. Sumwalt,
Clara B. Fishpaw,	Mary H. Sumwalt,
Jessie J. Fitzgerald,	Maggie Swain,
Adelaide A. Glascock,	Lida L. Tall,
Jacob Grape,	Clara V. Tapman,
Ella Harrison,	Louise E. Thalwitzer,
Caroline Hayden,	Nellie A. Tompkins,
Maud Hazeltine,	Annie R. Tull,
Clara Herman,	Saida A. Wallace,
Mary R. Le Compte Hess,	Mrs. Benjamin Wallis,
Harriet L. Hopkins,	Estelle S. Walters,
Ella M. S. Horstmeier,	Bertha Warfield,
Bella S. Hunter,	L. Ava Weedon,
Minna C. Kaessmann,	M. Josephine Wilson,
Elizabeth R. Kearney,	Helen McCay Young.

#### IV.

#### PUBLIC EDUCATIONAL COURSES, 1899-1900

During the current academic year the scope of the winter courses of public instruction has been somewhat widened. Last season a single course of twenty lectures was given in the representative science of Physical Geography. This year there is an advanced course in this subject, including Meteorology, and also a course of twenty lectures in Physics, including laboratory exercises.

The lectures in physical geography are given under the auspices of the Geological Department. Dr. Shattuck, who opened the course, is, in addition to being one of the associates in Geology, Chief of the Coastal Plain Division of the Maryland Geological Survey and has made a special study of physiographic processes. The general course which he gave in 1898-99 was largely attended by teachers and others desirous of acquiring a thorough knowledge of the principles of physical geography.

Dr. Fassig, in addition to being an instructor in meteorology at the University, is also a Section Director of the U. S. Weather Bureau, assigned to work in connection with the Maryland State Weather Service, and has a very intimate knowledge of the meteorology of Maryland.

The lectures of Dr. Shattuck and Dr. Fassig are admirably adapted to teachers and others who desire information not only regarding the general principles of physical geography but also a concise knowledge of the physiographic conditions of Maryland.

The courses in Physics under the direction of Professor Ames are given in the Physical Laboratory, and are designed to offer instruction in various branches of the subject, making a fairly systematic course. The lectures are illus-

trated by experiments and by lantern demonstrations, and are suited for a public audience as well as for those who are teachers or students.

The laboratory exercises are offered exclusively to teachers of Physics, and an attempt is made to offer suitable instruction in the preparation of lectures and in the direction of laboratory work. It is expected that from time to time lecturers from other universities will be invited to take part in the Physical course.

Last season a course of twenty lectures was given upon historical and educational subjects.

This year three short courses of lectures in English Literature, by Professor Albert H. Smyth, of Philadelphia, illustrated by lantern views, are in progress. On Nov. 10, Dr. James E. Russell, Dean of the Teachers' College, Columbia University, New York, gave an address on the theory of normal education and the aims of the institution of which he is the head. Nov. 17, Dr. James MacAlister, President of the Drexel Institute, lectured on the public school system of Philadelphia.

It is not possible for any one to attend all of these classes. Some are held on Friday evenings and Saturday mornings, at times the most convenient for public school teachers. Other courses are given in the afternoon, during the week; but all of the following are public educational courses and are open to applicants at a moderate charge. (See below under "Fees.")

Citizens of Baltimore and Maryland, whether engaged in teaching or not, now enjoy in the winter season the privileges which in some academic communities are offered in summer sessions. It is hoped that many attendants upon lectures may be attracted from the country as well as from the city, and that students from Washington and vicinity, possibly persons from Virginia and other States, may find winter residence in this city.

Special arrangements have been made to encourage county teachers, and persons living at a distance from Bal-

timore, to attend the Friday evening and Saturday morning lectures.

The attention of clergymen, Charity Organization workers, and the friends of municipal improvement should be called to two courses of Dr. Jeffrey R. Brackett and Dr. J. H. Hollander (author of "The Financial History of Baltimore"), devoted to "Studies of the Modern City."

**Fees.** The courses in English Literature constituted one series of 18 lectures, for which one fee of \$3 for attendance was required at the Treasurer's office. For attendance with the additional privilege of class work, consisting of written exercises and final examination, the fee was \$5. The same terms were required for the course on Advanced Physical Geography, and also for the course of twenty lectures on Physics. The charge for laboratory privileges in Physics on Saturday mornings, twenty exercises, was \$5; for laboratory privileges in zoology, \$10. The two courses under IV. formed a public educational series, for which the fee was \$3. The introductory lectures in the teachers' educational course were free.

**Certificate.** For regular attendance, satisfactory class or laboratory work, and final examination, a simple certificate is to be awarded to successful students in any public educational course.

## PROSPECTUS.

### I.

#### **Advanced Physical Geography.** (20 lectures.)

(1) GEOLOGY. Five class lectures by Dr. GEORGE B. SHATTUCK, beginning in McCoy Hall, Saturday morning, November 4, at 10.30, and continuing weekly at this hour in the same place.

- Lecture I. *The Cause of a Glacial Period.*
- Lecture II. *The Age of the Earth.*
- Lecture III. *The Ocean from a Geological Point of View.*
- Lecture IV. *Critical Periods in the Earth's History.*
- Lecture V. *The Antiquity of Man.*

(2) METEOROLOGY. Fifteen class lectures by Dr. OLIVER L. FASSIG, according to the following outline of topics, will be given on Saturday mornings after the close of Dr. Shattuck's course:

- |         |       |  |
|---------|-------|--|
| Lecture | I.    | } <i>The Temperature of the Atmosphere.</i> (Lantern illustrations.)   |
| Lecture | II.   |  |
|         |       | Temperature defined. How it is measured. Solar radiation. Variations in temperature at the earth's surface. The temperature of space. The functions of the atmosphere.   |
| Lecture | III.  | } <i>Forms of Water in the Atmosphere.</i> (Lantern illustrations.)  |
|         | IV.   |  |
|         |       | The vapor of water. Humidity. Evaporation. Dew. Frost and frost-forms. Fog. Clouds and cloud-forms. Rain, snow, and hail. Rainfall and its measurement; its variations and its distribution at the earth's surface. Theories of rain-formation.  |
| Lecture | V.    | <i>The Weight and Extent of the Atmosphere.</i> (Lantern illustrations.)   |
|         |       | Measuring the pressure of the air. Variations in pressure. Relation between pressure and wind-direction and velocity. The height of the atmosphere. The distribution of atmospheric pressure at the earth's surface. Areas of high and low pressure.   |
| Lecture | VI.   | } <i>The Movements of the Atmosphere.</i> (Lantern illustrations.)   |
|         | VII.  |  |
|         | VIII. |  |
|         |       | Winds and their causes. The measurement of wind-velocity and direction. Variations in wind-velocity and direction. Periodic winds. Cyclonic winds. Permanent winds. The general circulation of the atmosphere. Storms: dustwhirls, thunderstorms, tornadoes, waterspouts, cyclones and anti-cyclones. Factors in the formation, maintenance, and progression of storms. The geographical distribution of storms. |
| Lecture | IX.   | <i>Weather, or the Transient Phases of the Atmosphere.</i>   |
|         |       | A study of the daily synoptic weather charts. (Lantern illustrations.)   |
| Lecture | X.    | <i>Climate, or the Average Character of the Weather.</i> (Lantern illustrations.)  |
|         |       | Climate defined. Climatic factors. Determination of average values. Climatic zones. Ocean-climates. Continental climates. Mountain climates.   |
| Lecture | XI.   | <i>Do Climates Change?</i>   |
| Lecture | XII.  | } <i>Foretelling the Weather.</i> (Lantern illustrations.)   |
|         | XIII. |  |
|         |       | The methods of the ancients—and some moderns. Modern official methods.   |
| Lecture | XIV.  | <i>The Work of a National Weather Bureau.</i> (Lantern illustrations.)   |
| Lecture | XV.   | <i>Two Centuries of Progress in Meteorology.</i> (Lantern illustrations.)  |



PROPOSED TOPICS FOR A SUPPLEMENTARY COURSE. Friday afternoon informal conferences on the practical bearings of meteorology and on the work of meteorological bureaus will be arranged for those taking the course in Physical Geography, without additional fees.

1. The equipment of an observing station.
2. The meteorological work of the U. S. Hydrographic Office upon the oceans.
3. The organization and work of foreign services.
4. Practical lesson in the construction and interpretation of the daily weather chart.
5. Meteorological instruments and their installation.
6. The use of kites and balloons in the exploration of the atmosphere.
7. Meteorology as a nature study in the public schools.
8. Mountain meteorological stations.
9. The literature of meteorology.
10. Some American contributions and contributors to meteorology.

## II.

### Physics.

There will be two courses in Physics, as follows:

*First*, a Series of Twenty Lectures on Special Topics by Professor AMES:

- |                                      |  |
|--------------------------------------|--|
| 1. Vibrating Bodies.                 | 11. Elementary Electricity.            |
| 2. Spinning Tops.                    | 12. Electrical Conduction.             |
| 3. Fluid Motion.                     | 13. Induced Electric Currents.         |
| 4. Soap Bubbles.                     | 14. X-Rays.                            |
| 5. Flying Machines.                  | 15. Lightning.                         |
| 6. Theory of Music.                  | 16. Telegraphy with and without Wires. |
| 7. Mechanical Theory of Heat.        | 17. Wave Theory of Light.              |
| 8. Radiation and Conduction of Heat. | 18. Color Photography.                 |
| 9. Liquefaction or Gases.            | 19. Spectrum Analysis.                 |
| 10. Magnets.                         | 20. Constitution of the Sun.           |

This course will begin Saturday, November 4, at 9 a. m., in the Physical Laboratory, and continue weekly at the same hour in that place. The lectures will be illustrated by experiments and demonstrations.

*Second*, a Laboratory Course designed for Teachers of Physics. This will consist of work in the Physical Laboratory on Saturday mornings, at 10 o'clock; and opportunities will be given the members of the class to set up apparatus for lecture purposes and to perform suitable experiments. This class will not be formed unless twenty-five students are enrolled.

## III.

**Zoology.**

A practical course in Zoology is offered, *provided twenty-five students are assured at once*. A larger number cannot be accommodated.

The work will be done in the Biological Laboratory Saturdays from 9 to 1 o'clock, November 11 to March 14 inclusive—seventeen sessions, or sixty-eight hours, in all.

The ground covered will be: the use of the microscope; microscopic study of fresh water infusoria (*e.g.* Amœba, the Bell-animalcule, the Slipper-animalcule) and of the Hydra; dissection of the Earthworm, Mussel, Insect, Crayfish, Crab, and Frog; study of the Frog's egg and the Tadpole.

The laboratory work will be superintended by Dr. E. A. Andrews, Associate Professor of Biology, and by Mr. W. C. Curtis, Assistant in Biology. In each session, an explanatory lecture will be given by Professor Andrews.

Such books and implements as are not supplied by the University should not exceed in cost two dollars. The fee for the course is \$10, payable in advance at the Treasurer's office.

## IV.

**Studies of the Modern City.** (20 lectures.)

**Part I. PUBLIC AID, CHARITY, AND CORRECTION.** A course of ten lectures is offered by Dr. JEFFREY R. BRACKETT upon problems of Public Aid, Charity, and Correction, with particular reference to social conditions in the large cities of the United States. Beginning with the growing opportunities and the need of education for social service, the lectures will treat of the general tendencies towards the restoration of dependents and the prevention of dependence. Illustrations will be given from conditions in Baltimore, and the course is aimed to be of especial use to clergymen and to students who plan to take up practical social work.

This course will begin Monday, November 13, at 4 p. m., in the Donovan Room, and continue on successive Mondays at the same hour and place.

The topics will be as follows:

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|---|---|
| 1. Study of Philanthropy.                   | 6. Public Aid or Charitable Aid.                  |
| 2. Causes of Poverty, Pauperism, and Crime. | 7. Reformation.                                   |
| 3. The Aim of Philanthropy.                 | 8. Child-saving.                                  |
| 4. Treatment of the Homeless.               | 9. Neighborhood Improvement and Personal Contact. |
| 5. Treatment of the Resident Needy.         | 10. The Church as a Factor in Social Progress.    |

**Part 2. CITY GOVERNMENT AND CITY IMPROVEMENT.**  
A course of ten lectures, following Dr. Brackett's, is offered by Associate Professor J. H. HOLLANDER upon the principles and practice of Municipal Government, with particular reference to current municipal problems in the United States. The method of treatment will be descriptive, critical and comparative. Beginning with a discussion of the growth and significance of the modern industrial city, attention will be paid to the characteristic features of municipal organization in Great Britain, France and Germany. The evolution of the American city will then be traced, and detailed study made of municipal administration, finances and functions in the United States. In conclusion, the future and the possibilities of the American city will be discussed.

This course will be given in the Donovan Room on Mondays at 5 p. m., beginning in the latter half of January, after the close of Dr. Brackett's course. One fee of \$3 is required for the two courses, including brief class discussions.

The topics will be as follows:

- |   |   |
|---|---|
| 1. The Problems of Municipal Government.  | 6. The Evolution of the American City.            |
| 2. The Growth of Cities.                  | 7. Municipal Administration in the United States. |
| 3. Municipal Government in Great Britain. | 8. Municipal Finances in the United States.       |
| 4. Municipal Government in France.        | 9. Municipal Functions in the United States.      |
| 5. Municipal Government in Germany.       | 10. The Possibilities of the American City.       |

## V.

**Modern English Literature.** (18 lectures.)

(1) LIVING WRITERS OF ENGLAND. Six class lectures by Professor ALBERT H. SMYTH, of Philadelphia, in McCoy Hall, beginning at 8 o'clock Friday evening, December 15, and continuing Saturday noon, December 16; Friday evening, December 22, Saturday noon, December 23; Friday evening, January 5, and Saturday noon, January 6.

This course of lectures is prepared entirely from personal knowledge and acquaintance, and contains material that has never found its way into print. The lecturer's purpose is to introduce the student to the writers who are to-day the acknowledged chiefs of English literature, to portray their personal traits, and to describe their methods and their mission. The lectures are:

- I. Thomas Hardy.
- II. George Meredith.
- III. Algernon Charles Swinburne.
- IV. The Minor Poets.
- V. The Literary Scholars and Critics.
- VI. The Journalists.

Lecture IV contains sketches of the personal career and appreciations of the verse of the following poets: Francis Thompson, Stephen Phillips, Lawrence Binyon, Lionel Johnson, John Davidson, Ernest Coleridge, W. B. Yeats, Money-Coutts.

Lecture V relates to such critics as Lang, Courthope, Saintsbury, Stopford Brooke, Sydney Lee, Dowden, Hereford, Furnivall, Knight, and Aldi-Wright.

Lecture VI defines the character and describes the *personnel* of the literary papers of England—quarterly, monthly, and weekly reviews, and the daily papers which devote attention to literary matters.

(2) THE LAKE COUNTRY—PAST AND PRESENT. These lectures, also by Professor Smyth, are illustrated with entirely new lantern views. The photographs of Cumberland scenery and of Westmoreland places and people were taken under Professor Smyth's direction. This series will begin Friday evening, January 12, and continue Saturday noon, January 13, and so until January 27.

- I. Life and Nature in the Lake Country. (Summary: Geography of the Lake Country; language, folk-lore, and customs of the country; Daffodil Day; rushbearing; views of the historic ruins and natural scenery of the region.)

- II. Literary associations of the Lakes. (Illustrated with views of the interior and exterior of Rydal Mount, Dove Cottage, Nab Cottage, The Knoll, Fox How, Fox Shyll, Elleray, and Brantwood.)
- III. William Wordsworth.
- IV. Coleridge and his Children.
- V. Robert Southey, John Wilson, and Thomas De Quincey.
- VI. Harriet Martineau, the Arnolds, John Ruskin, and William Watson.

(3) BURNS AND SCOTT. This series will begin Friday evening, February 2, and continue Saturday noon, February 3, and so on to February 17.

- I. The Land of Burns (fully illustrated by Professor Smyth, with new lantern slides).
- II. The Songs of Burns. (In the course of this lecture several songs of Burns are read by the lecturer and views are shown of the persons and places concerned in the poems.)
- III. Sir Walter Scott at Home (fully illustrated with new lantern slides).
- IV. The Wizard of the North.
- V. Literary Edinburgh.
- VI. Scott's Poems and Romances.

Committee: { H. B. ADAMS, *Chairman*.  
W. B. CLARK.  
J. S. AMES.



## V.

### WASHINGTON AND BALTIMORE<sup>1</sup>

*Your Excellency, the Governor; your Honor, the Mayor; Ladies and Gentlemen:*

The Colonial Dames of America deserve to be congratulated this day on the completion and unveiling of a beautiful tablet marking the historic site of the old Fountain Inn on Light Street or, as it used to be called, "Light Lane," where George Washington tarried on at least three memorable occasions. The first visit was on May 5, 1775, when he was on his way to Philadelphia as a delegate to the Continental Congress, where he was appointed to command the Revolutionary army at Cambridge. The second visit was on September 18, 1781, on his way to Virginia, to the siege of Yorktown. The third visit was on the 17th of April, 1789, when he was journeying northward to New York to be inaugurated as first President of the United States. These three visits to Baltimore by George Washington are especially worthy of patriotic commemoration because they

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<sup>1</sup> An address to Chapter I of The Colonial Dames of America and invited guests, February 22, 1899, in the parlors of the Carrollton Hotel, on the occasion of the unveiling of a memorial tablet bearing this inscription:

"This site was formerly occupied by the Fountain Inn where General George Washington lodged upon the following memorable occasions: May 5, 1775, on his journey to Philadelphia as a Delegate from Virginia to the Second Continental Congress; September 8, 1781, on his way to the reduction of Yorktown; April 17, 1789, when proceeding, as President-elect, to his Inauguration at New York. This tablet is erected by Chapter I of the Colonial Dames of America, February 22, 1899."

To illustrate in educational ways the relations of George Washington to Baltimore was the object of this address.

represent not only Washington's personal relations to Baltimore, but also three great and decisive events in the history of our common country: First, the beginnings of the American Revolution and of our national Declaration of Independence. Second, the completion of the American Revolution by Washington's capture of the British army in Virginia. Third, the establishment of a permanent union of these United States and by the unanimous choice of George Washington as our first President. First in war, first in peace, and with special significance on this memorial day, first in the hearts of his countrywomen.

It is impossible in the brief space assigned me to speak in detail of the circumstances attending the three memorial visits of Washington to Baltimore. But I will briefly describe the most famous of all. Late in the afternoon of the 17th of April, 1789, General Washington, coming by way of Alexandria, Georgetown and Bladensburg in three days, in his own carriage, approached the town of Baltimore. A cavalcade of finely mounted horsemen rode forth from this hospitable city to meet the coming chief of the nation. They escorted him into town amid the general enthusiasm of citizens and small boys, who lined the streets on either hand. Salvos of artillery greeted the civic hero. Joy and rejoicing filled the heart of Baltimore. Washington was taken to Grant's Tavern, or the old Fountain Inn, upon the site of the present Carrollton Hotel. A committee of citizens, headed by James McHenry, afterwards Washington's Secretary of War in his second administration, promptly appeared upon the scene and made a speech of welcome.

In reply, Washington said: "Gentlemen, the tokens of regard and affection which I have often received from the citizens of this town were always acceptable, because I believed them always sincere. Be pleased to receive my best acknowledgments for the renewal of them on the present occasion. If the affectionate partiality of my fellow-citizens has prompted them to ascribe greater effects to my conduct and character than were justly due, I trust the indulgent

sentiment on their part will not produce any presumption on mine."

Other visits there certainly were. Every time Washington went to Philadelphia or northwards he must have passed through Baltimore. For example, in 1798, Nov. 7, he is known to have stopped at this Fountain Inn when on his way to Trenton to reorganize the American army. Danger had arisen of a war with France, then endeavoring to coerce America into a war with England. But the danger soon died away and that visit of Washington to Baltimore is of minor interest. Old soldiers were, however, recruiting their companies afresh. The Baltimore Independent Blues, ready to be reviewed, were drawn up on Baltimore Street, then Market Street, and down the line, from Light Street corner to South Street, walked Ex-President Washington in civilian dress. The soldiers afterwards marched down Light Street in compliment to General Washington, who stood on the front steps of the old hotel.

It is, therefore, by singular historical fitness that this memorial tablet has been erected on the Light-Street side of the Carrollton Hotel, for, on the west side, was the original entrance to Fountain Inn. On that side stood General Washington, as on all other occasions when he was especially honored and escorted to his lodgings by the soldiers and populace of this city. And there, too, in 1824, stood the Marquis de la Fayette when escorted to his hotel and saluted by the National Guards and the De Kalb Cadets.

Many have been the stirring events and social scenes on this historic spot, from the time of the American Revolution to the close of the 18th century, from the War of 1812 down to our own times. The politics and parties of Baltimore and Maryland have been and still are shaped under the shelter of this historic roof-tree. In the inner courtyard of the Fountain Inn there once grew a shady tree under which Washington undoubtedly stood, as he did under the famous elm, when he took command of the troops at Cam-

bridge. But the Cambridge elm is fast falling to decay and soon it will be only a memory like that of the ancient tree in the Fountain Inn courtyard, which survives only in a print, which Mr. Brooks has shown you.

After all, old trees and old houses do not compare with the historic spirit in living people who keep alive the events which the old trees and the old houses once helped to commemorate. More enduring than the Fountain Inn will be that beautiful tablet now facing the western sun. That tablet will recall to every Baltimore beholder and to the stranger within your gates the living presence of George Washington, the immortal guest-friend of Baltimore. He will be welcomed anew by every visitor who drives or walks through Light Street, by every citizen and schoolboy who sees your artistic memorial. "The living, the living, he shall praise thee, as I do this day" (Isaiah 38: 19).

Visitors to Montreal or Quebec, to London, Paris, Boston, Philadelphia, or any historic city, are profoundly impressed by these street reminders of the illustrious dead. It is they, the immortals, who really live in the consciousness of thoughtful citizens, the men and women of to-day. The spirits of the past have the perpetual freedom of historic cities. The fathers live on in the sons and daughters who realize the significance of Baltimore's history. True and loyal souls, men and women of light and leading, constitute this modern town.

Your Honor, the Mayor, Baltimore is indeed great in population, extensive in territory, flourishing in business, distinguished in art and institutions, but its noblest inheritance, its eternal monument, is the stately column erected by the State of Maryland to the memory of George Washington. There it stands on our Capitoline Hill, the historic acropolis of Baltimore, the most beautiful column in this country, a conspicuous landmark for the whole region roundabout, and at the same time viewed and reviewed by passing citizens every day of their lives. Its inscriptions form a compendium of our Revolutionary history, an open



record known to all men, read and re-read this very day by children from the public schools. The Washington Monument has determined the development of this city, the upward tendency of its growth and institutional life. But for that magnificent work of historic art, that memorial of George Washington by the State of Maryland, Baltimore would never have had its Mount Vernon Place, its Peabody Institute, its Johns Hopkins University.

Let us, therefore, fellow-citizens, honor the deeds of the fathers of this American republic and cherish their memories. For they founded states and cities. They fought battles for liberty and independence. They made their country truly great and free. Even this American continent cannot limit their fame. "The whole earth," said Pericles, "is the monument of illustrious men."

In the old English city of Chester there is on a certain street a house-motto which impressed me when I first beheld it. The motto reads, "God's Providence is Mine Inheritance." We ought to feel that the memory of George Washington is the most precious historic legacy of this Monumental City. Battle Monument does not compare with the Washington Monument in educational value. Here in Baltimore, in December, 1776, George Washington received his power as Commander-in-Chief. In our State Capitol at Annapolis he resigned his commission and became once more a private citizen and a man of peace.

Grandest of all his peaceful projects was that of a National University, based upon individual endowment. That project may be found in many of his writings, but the clearest and strongest statement of it occurs in his last will and testament. There he employed the following significant language: "It has been my ardent wish to see a plan devised, on a liberal scale, which would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away local attachments and State prejudices, as far as the nature of things would, or indeed ought to admit, from our national councils. Looking



anxiously forward to the accomplishment of so desirable an object as this is, in my estimation, my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a *University* in a central part of the United States, to which the youths of fortune and talents from all parts thereof may be sent for the completion of their education, in all branches of polite literature, in arts and sciences, in acquiring knowledge in the principles of politics and good government, and, as a matter of infinite importance in my judgment, by associating with each other, and forming friendships in juvenile years, be enabled to free themselves in a proper degree from those local prejudices and habitual jealousies which have just been mentioned, and which, when carried to excess, are never-failing sources of disquietude to the public mind, and pregnant of mischievous consequences to this country. Under these impressions, so fully dilated, I give and bequeath, in perpetuity, the fifty shares which I hold in the Potomac Company . . . towards the endowment of a university."

Was it not a remarkable fact that the two great rivers of Virginia, the James and the Potomac, should have been the principal economic forces in the development of Washington's educational hopes for Virginia and his country? His stock in the James River Navigation Company became a permanent source of revenue for Washington College, now Washington and Lee University, where recently President Wilson consciously and avowedly revived the Old Williamsburg ideal of a combined school of law and history, politics and economics. Washington's stock in the Potomac Navigation Company became the historic source for his larger idea of a national university. The Baltimore and Ohio Railroad, which succeeded the Chesapeake and Ohio Canal and the Potomac Company as a trade-route between the West and the Atlantic seaboard, proved for many years the chief source of revenue for the Johns Hopkins University, itself national in spirit, though not in name.

Whatever may be the fate of corporations, Washington's grand idea of a truly national university will live on in Baltimore and find ultimately even larger realization in the nation's capital. To this end all existing colleges and universities will in spite of themselves contribute. State interests and sectional prejudice will yield to larger and richer opportunities for the study of history, politics, economics, social science and diplomacy—opportunities already existing in the city of Washington. A national government which expends over three million dollars per annum for scientific purposes is, consciously or unconsciously, promoting George Washington's noble project for the highest education of the American people. Private and ill-considered schemes may fail, but State and national ideas in university education must ultimately combine and prevail in this federal Republic. "He that believeth, doth not make haste."

Washington's idea of a National University in the city which bears his name was never so full of life as it is to-day. But let us remember that, as Baltimore anticipated<sup>1</sup> the Federal City by many years in the completion of a noble

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<sup>1</sup> It is a curious fact that Baltimore anticipated the Federal City in founding a "Washington University." In the spring of 1827, Washington College, of Washington, Pennsylvania, authorized the institution in Baltimore of the "Washington Medical College." It got a charter from the Maryland Legislature in 1832 and in 1839 became legally known as the "Washington University of Baltimore." It occupied on North Broadway new buildings costing \$40,000, now occupied by the Church Home and Infirmary. "Washington University" collapsed in 1851 and its buildings were sold for debt. After the civil war, the old Washington University Medical School was revived by the Legislature in 1867. The catalogue of 1868 said that "one student from each Congressional district of the late slave-holding States is received as a beneficiary in Washington University, precedence being given to wounded and disabled soldiers." Lectures were held in the buildings now occupied by the City Hospital and by the College of Physicians and Surgeons, with which college "Washington University" was merged in 1877. See Dr. Bernard C. Steiner's "History of Education in Maryland" (Bureau of Education, 1894), pp. 286-291, a work which originated in the above curious bit of educational history narrated by his father.

monument to George Washington, so we have anticipated Congress in establishing, according to Washington's liberal plan, "a university in a central part of the United States," to which young men from all parts of our common country are sent for the completion of their education.

The 22d of February is a fitting day for this historic commemoration. The birthday of George Washington marks a national as well as a municipal holiday. It is also the anniversary of the inauguration of the Johns Hopkins. If the Father of his Country could have seen with his own eyes the establishment of a university in Baltimore, midway between the North and the South, he would have rejoiced, as we do this day, in the providence of God in human history. God's providence is indeed our inheritance. Let us accept in the spirit of the Psalmist: "Be ye sure that the Lord he is God; it is he that hath made us, and not we ourselves."

To the Colonial Dames of America I would say: "Be not weary in well-doing"; revive and quicken here the national spirit of George Washington in matters pertaining to history and education. Devise a plan on a liberal scale which shall "have a tendency to spread systematic ideas through all parts of this rising empire." These are not my words, but those of the greatest American. I would suggest that you establish a Maryland Scholarship or Fellowship in American History, to be awarded annually to the best Maryland graduate student in that department of the Johns Hopkins University. Encourage him on this Baltimore and Maryland vantage-ground to contribute some lasting memorial as did your fathers before you when they erected the Washington Monument. Continue to mark the historic sites of this Monumental City. Collect all the books and historic prints ever published in Baltimore and Maryland. But above all things, discover a talented Maryland college graduate, possibly one already a Doctor of Philosophy, and develop him into an American historian.

I have lately been much interested in a published inter-

view with President Schurman, of Cornell University, who went out to the Philippine Islands as chairman of our government commission of five men, including Admiral Dewey, Major-General Otis, Colonel Charles Denby (our Ex-Minister to China), and Professor Worcester, of the University of Michigan, author of a book on "The Philippine Islands and their People." Jacob Gould Schurman was originally a poor boy, born in Prince Edward's Island in 1854. He did not begin to seek a higher education until he was sixteen years of age. Before that he had been a clerk in a country store, first on \$30 and afterwards on \$60 a year. He went to the Prince of Wales College situated at Charlotte Town and there, in open competition with boys from the entire island, won a \$60 scholarship. That paltry stipend, the equivalent of his former salary as a clerk, was Schurman's first positive encouragement in the higher educational life. From the Prince of Wales College, in Prince Edward's Island, young Schurman went next to Acadia College in Nova Scotia and there won a \$500 scholarship, tenable for three years in London University. The questions were sent out from England and were distributed by the Governor-General to all the colleges in Canada. That poor boy from Prince Edward's Island won the noble prize which took him across the sea. He studied in London and Edinburgh and there after three years competed for the Hibbard Travelling Fellowship, yielding \$2000 a year for philosophical study anywhere on the continent of Europe. In the face of competition from Oxford, Cambridge and the United Kingdom, Schurman won the splendid honor. He finished his liberal education in Heidelberg and Berlin. There he met the American Minister, Hon. Andrew D. White, who afterwards recommended him for the chair in philosophy at Cornell University, of which Dr. Schurman is now president.

Does any one believe for one moment that this poor Canadian boy would now be one of the most scholarly college presidents in the United States and at the same time



the head of a most important American commission but for those early academic rewards and scholarships? God's providence was certainly his inheritance. I do not ask you to establish another scholarship or fellowship for a Canadian or a New Englander at the Johns Hopkins University. I am simply illustrating the English system of prize scholarships by recent noteworthy results, and I ask you, the Colonial Dames of America, to found in Baltimore, as *your Washington Monument*, a Maryland Fellowship of American History, to be awarded annually to the best graduate student from this State. My plea is for a local, academic foundation, not another marble column or another bronze statue, but a permanent fund for the extension of Maryland's historical influence throughout the whole country and for the perpetuation of the national spirit of George Washington, which we have this day commemorated.

Yesterday I had the pleasure of accompanying a party of 30 Hopkins college boys, nearly all of them Baltimoreans, on a visit to Washington to see the New Congressional Library and Congress itself in session. Most interesting were the living men and those artistic memorials of our nation's history, those reminders of the world's civilization; but, as we came out from those stately halls, we saw towering above all the government buildings that magnificent obelisk dedicated to the *one man* Washington. I thought and reminded the boys from Baltimore: "How much greater even than great men are the influences which proceed from their lives." Emerson has said that "Institutions are the lengthened shadows of great men"; but are not cities like Baltimore and Washington, are not institutions of law, education, and religion more than mere shadows of men? Indeed, they are in one sense the projected souls of the illustrious dead. They are, like all history, the glorious resurrection of the deathless past, the larger life of the present, the advancing sunlight of an immortal future.

May *your* Washington Monument be a creation of the



spirit, the liberation of a soul, and not a work of mere stone or brass. May you, Colonial Dames of America, be able to say with the poet Horace:

I've reared a monument, my own,  
More durable than brass,  
Yea, kingly pyramids of stone  
In height it doth surpass.

Rain shall not sap, nor driving blast  
Disturb its settled base,  
Nor countless ages rolling past  
Its symmetry deface.

I shall not wholly die. Some part,  
Nor that a little, shall  
Escape the dark destroyer's dart,  
And his grim festival.

Let us turn now, in conclusion, from the noble words of the Roman poet to the aspiring sentiments of an American woman, in her ode to the Washington Monument, published in *Scribner's Magazine*, February, 1899:

Oh, pure, white shaft upspringing to the light  
With one grand leap of heavenward-reaching might,  
Calmly against the blue for evermore  
Lift thou the changeless type of souls that soar  
Above the common dust of sordid strife  
Into the radiant ether of a life  
Shepherded by the vastness of eternity!  
A hero's quickening spirit lifteth thee  
Unto the skies that claim thee for their own:  
In those vast fields of light, sublime, alone,  
High commune holdest thou with the young day,  
With sunset's glowing heart ere twilight gray  
Hath stilled its throbbing fires, and with dim night  
That folds thee softly in the silver light  
Of many a dreaming moon. In majesty  
Serene, like the great name enshrined in thee,  
Thou dost defy the all-destroying years.  
Smite with thy still rebuke our craven fears!  
Point us forever to the highest height,  
And in our Nation's peril-hours shine white  
With the mute witness to the undying power  
Of the high soul that lives above the hour!



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## OF

# JOHNS HOPKINS UNIVERSITY STUDIES

## IN

## HISTORICAL AND POLITICAL SCIENCE

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